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V ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER- AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021

**Working for the indivisibility, interdependence, and effective protection of all human
rights for all people in the Americas**

**“The imperative of putting the economy at the service of people and nature in the most
unequal region of the planet”**

Soledad García Muñoz

Special Rapporteur on Economic, Social, Cultural and Environmental Rights
Inter-American Commission on Human Rights



OAS | More rights
for more people

“To those who are day after day in the front line of defense of ESCER. To the admirable dedication of health-care workers, as well as those who defend the environment. To the educators of the Americas”.

TABLE OF ACRONYMS AND REFERENCES

IACHR:	Inter-American Commission on Human Rights
American Convention:	American Convention on Human Rights
IA Court:	Inter-American Court of Human Rights
CESCR:	United Nations Committee on Economic, Social and Cultural Rights
American Declaration:	American Declaration of the Rights and Duties of Man
GEI:	Greenhouse Gases
SDG:	Sustainable Development Goals
OAS:	Organization of American States
ILO:	International Labor Organization
UN:	United Nations Organization
PAHO:	Pan American Health Organization
WHO:	World Health Organization
PIDESC:	International Covenant on Economic, Social and Cultural Rights
UNDP:	United Nations Development Program
Protocol of San Salvador:	Additional Protocol to the American Convention on Human Rights in the Field of Economic, Social and Cultural Rights.
PCR:	Polymerase Chain Reaction Tests
REDESCA:	Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights.

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CHAPTER I: GENERAL INFORMATION

A. Introduction

1. In 2012, the Commission decided to create a Unit on Economic, Social and Cultural Rights (ESCR Unit). Subsequently, in 2014 it decided to transform it into a Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), initiating the process for its creation, with the search for resources for this purpose. Within the framework of its 2017-2021 Strategic Plan, the IACHR decided to launch the ESCER Special Rapporteurship in 2017 as a step of great importance in the history of human rights in the region.¹
2. The Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (REDESCA) began its creation process in 2014, during the 150th Period of Sessions of the Inter-American Commission on Human Rights, through the publication of a press release by the IACHR on the opening of a special fund for the collection of financial resources that would make possible the operation and sustenance of the Office of the Special Rapporteur.²
3. Like the Office of the Rapporteur for Freedom of Expression (RELE), the REDESCA was created as a permanent and autonomous office of the Commission. This is the second Office of the Special Rapporteur created by the IACHR in its entire history, in its case with the main purpose of supporting the Commission in the fulfillment of its mandate to promote and protect economic, social, cultural, and environmental rights (ESCER) in the Americas.
4. The main functions of the Special Rapporteur are:³
 - a) Prepare the work plan of the Office of the Special Rapporteur on ESCER, in accordance with the IACHR's strategic plan.
 - b) Prepare reports on ESCER for approval and publication by the IACHR, including thematic reports on the general human rights situation of member states, and sections of the Commission's annual report.
 - c) In accordance with the Rules of Procedure of the IACHR and in coordination with its Executive Secretariat, process petitions and individual cases on ESCER for decision by the IACHR, as well as represent, by delegation, the Commission in the litigation before the Inter-American Court of Human Rights in cases related to ESCER.
 - d) Assist the IACHR in the promotion of international instruments related to ESCER, including the organization and participation in promotional activities aimed at authorities, civil society, social movements, trade union organizations, professionals, journalists, and students on the work of the IACHR in this area.
 - e) Make recommendations to the IACHR on urgent situations that may require the adoption of precautionary measures or the request for the adoption of provisional measures before the Inter-American Court of Human Rights, among other mechanisms.
 - f) Monitor the situation of ESCER in the region and provide advice and assistance to the Member States of the Organization of American States (OAS) in the adoption of legislative, judicial,

¹ IACHR, Strategic Plan 2017-2021, p. 35.

² IACHR, Press Release No. 034/19, [IACHR Decides to Create Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights](#), 3 April 2014

³ AT <http://www.oas.org/es/cidh/docs/anual/2017/docs/IA2017Anexo-REDESCA-es.pdf>, p.6.

- administrative or other measures necessary to give effect to the exercise of economic, social, cultural and environmental rights.
- g) Advise and assist other OAS bodies on matters related to ESCER in the Americas.
 - h) Develop the necessary procedures for the collection and management of cooperation funds and for the development of the projects required to comply with the assigned mandate.
 - i) Fulfill other tasks related to the promotion and protection of ESCER delegated to it by the IACHR in accordance with the mandate of the ESCER Special Rapporteurship.
5. During 2021, the Office of the Special Rapporteur has developed an intense work agenda, effectively fulfilling these functions, as well as the Work Plan presented and approved by the IACHR at the beginning of the year. Thus, the office has provided specialized and constant advice to the IACHR, as well as to the different areas of the Executive Secretariat on ESCER matters. This through its work in the case system, in monitoring, in promotional matters and technical assistance.
 6. In this sense, the REDESCA has actively and permanently monitored the situation of the ESCER in the Americas, always in the disposition to provide advice and assistance to the Member States in the adoption of legislative, judicial, administrative or other measures to make effective the exercise of the ESCER. It has also organized and participated in numerous promotional activities aimed at States, authorities, civil society, trade union organizations, companies, professionals, journalists and human rights defenders.
 7. The Office of the Special Rapporteur on ESCER has also promoted initiatives for the generation of new interpretative standards on ESCER matters by the Inter-American Court of Human Rights. In this vein, as a result of the mandate, the IACHR and the Office of the Special Rapporteur submitted to the Inter-American Court of Human Rights a request for an advisory opinion based on Article 64.1 of the American Convention on Human Rights. Its main purpose is to determine the scope of the obligations of States under the inter-American system on guarantees of freedom of association, their relationship with other rights and their application from a gender perspective.⁴
 8. It should be noted that Special Rapporteur Soledad García Muñoz was unanimously re-elected by the IACHR for a second term of office, which began in September 2020.⁵ The Special Rapporteur expresses her satisfaction and gratitude to the Commission for the renewal of confidence in her and her team for a new period, which she hopes will enable it to consolidate the achievements of the first and foundational one.
 9. Thus, as a balance sheet after concluding in 2021 the fourth consecutive year of her mandate, the Special Rapporteur is pleased to have managed, together with her team, and despite the numerous challenges faced, to fulfill all the objectives that the IACHR entrusted to the REDESCA in its Strategic Plan 2017-2021, namely: poverty situation in the region; rights to water and food; obstacles to access to justice in cases of violations of economic, social, cultural and environmental

⁴ IACHR, Press Release No. 195/19, [IACHR and its REDESCA Request Advisory Opinion on Freedom of Association with a Gender Perspective](#), 31 July 2019

⁵ IACHR, Press Release 047/2020: The IACHR Renews the Mandate of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, February 19, 2020

- rights; special effects on the enjoyment of economic, social and cultural rights of people, communities and groups in vulnerable situations, such as women, children and adolescents, people living with HIV, indigenous peoples, LGBTI population and Afro-descendants, among others; obstacles to the right of access to information and participation in relation to economic, social and cultural rights; and violations in the context of activities carried out by companies, especially in relation to extraction, development and investment projects."⁶
10. As established in this Strategic Plan, the REDESCA Rapporteurship has been articulating its work with the 2030 Agenda to meet its objectives. Likewise, as stated in said Plan, it has managed to advance in the analysis and development of the four categories of obligations of States in this area: (i) the obligation to adopt measures to eradicate situations of structural discrimination with respect to the enjoyment and exercise of economic, social, cultural and environmental rights, an immediate and independent obligation of the resources available in the State concerned; (ii) the prohibition of regressive measures with respect to ESCER; (iii) the State obligations of progressivity with regard to ESCER and iv) the obligations arising from guaranteeing the satisfaction of the minimum content of each economic, social, cultural and environmental right for the inhabitants subject to their jurisdictions.⁷
 11. Also, as established by the IACHR in its 2017-2021 Plan, the Office of the Special Rapporteur made significant progress in addressing the issue of national and transnational corporations and their impacts on human rights in accordance with the "Guiding Principles on Business and Human Rights of the United Nations," developing inter-American standards in this regard; as well as developing and strengthening inter-American standards related to the right to dignified and equitable working conditions and the right to trade union association and protection of trade union freedoms; and the human right to a healthy environment and the emerging challenges of climate change.⁸
 12. At the beginning of 2021, the activities carried out within the framework of the annual and strategic planning of the mandate stand out. Thus, six workshops were held for the construction of the Triannual Plan of the REDESCA for the period 2021-2022; including one with external experts in ESCER to discuss the advances and challenges in the matter, as well as the lines of strategic action.
 13. On March 26, 2021, during its 179th Period of Sessions, the IACHR approved by acclamation the Strategic Agenda 2021-2023 of REDESCA. This multiannual work plan includes as priority strategic lines, the following: Right to Health and its social determinants: Pandemic and food crisis; Climate emergency and human right to water; Human mobility and ESCER; Business and human rights; Labor and trade union rights; Fiscal and economic policies: impacts of corruption on ESCER; and Education, science, technology: academic freedom and university autonomy. This document is added as **Annex I** to this report for reference and knowledge of the users of the system, as well as the general public.

⁶ Cf. IACHR Strategic Plan 2017-2021, pp. 35 and 36.

⁷ Ibid.

⁸ Ibid.

14. The REDESCA records its express gratitude to the IACHR, as well as to each and every one of its members for all the support received during 2021 for the development of its mandate.

B. Main activities of the Office of the Special Rapporteur on ESCER

15. Since the beginning of its mandate, the Office of the Special Rapporteur has carried out innumerable activities to fulfill its strategic agenda and annual work plan, unanimously approved by the plenary session of the Commission during 2018, 2019 and also in 2020. These plans are focused on the pillars of action of the IACHR, namely: case system, monitoring, promotion, training, and technical assistance in public policies. Thus, as soon as these have included the theme of ESCERs, the REDESCA has contributed to each of them and prioritized the fulfillment of the work commissioned by the Commission, as well as the commitments acquired with the donors of the mandate.
16. The actions of the REDESCA are aimed at fulfilling the general objective of its Strategic Agenda, which is to: consolidate the functioning and sustainability of the Office of the Special Rapporteur on ESCER as responsible for articulating all the mandates, functions, and mechanisms of the IACHR for the protection and promotion of ESCER in the Americas. Likewise, efforts have focused on the strategic objectives of the mandate, consisting of: developing inter-American standards for the effective realization of ESCERs; monitor and make visible the situation of ESCER in the hemisphere; to promote a culture of indivisibility in the field of human rights; providing technical assistance to public bodies in Member States; and coordinate with other international entities and members of civil society to ensure the full exercise of ESCER rights in the region. In this regard, it is worth noting with special emphasis the work carried out by the Special Rapporteur as a member of the Working Group of the Protocol of San Salvador of the OAS.
17. In the generality of its actions and in accordance with its Strategic Agenda, the REDESCA has applied the approaches of indivisibility, progressivity, gender, diversity and intersectionality, development and human rights (Agenda 2030), interdisciplinarity, human rights education and anti-corruption. In turn, it has worked through the following transversal axes: equality and non-discrimination, participation, access to information, accountability and justiciability of ESCER.
18. This, despite the fact that the year 2021 was particularly challenging for the mandate in the context of the health crisis caused by COVID-19, which highlighted the weaknesses of public systems and the great inequities existing in the continent, which imposed a significant workload for the mandate, especially in its monitoring work. Additionally, it should be borne in mind that, under the provision of the OAS General Secretariat, the entire REDESCA team carried out its work under the telework modality as of March 2020. The latter has meant several challenges for the daily work of monitoring and promoting the mandate, in relation to the commitments made such as those that have emerged during the year. The REDESCA thanks its work team and all the institutions, individuals and entities, both public and private, that have made it possible for the REDESCA to carry out its work on a regular basis despite the challenges imposed by the current context.

19. Along with the technical work inherent in the mandate, the Special Rapporteur has also had to concentrate her efforts on administrative and managerial tasks, such as the search for and obtaining of financial resources, in order to enable the sustainability and strengthening of the office. In this regard, it is worth expressing the satisfaction of the progress made in such a complex scenario, such as deeply thanking people and institutions that supported the REDESCA, especially donors for their trust and commitment to the mandate (See sections on Financing and Work Team), along with the Rapporteur's constant call that they and others, especially the member and observer states of the OAS, make contributions to this mandate so necessary for the realization of the most urgent human rights to attend in the most unequal region of the planet.
20. The following is a summary of the activities carried out during 2021:

1) Petition and Case System

21. The Office of the Special Rapporteur on ESCER has provided specialized contributions in the IACHR's system of petitions and cases, so, during 2021, the REDESCA gave expert advice on 3 draft reports in the admissibility stage and 9 in the merits stage, along with 86 projects or memos related to the system of protection of precautionary measures.
22. Regarding the substantive stage, the REDESCA has worked together with the case team of the Executive Secretariat on various issues related to the enjoyment of ESCER in the region. In particular, the efforts of the Office of the Rapporteur have been aimed at strengthening the consolidation of standards in various areas, particularly with regard to the right to health, the right to a healthy environment, and labor rights. Likewise, during this year it has worked on issues related to prior consultation within the framework of business activities.
23. In relation to the mechanism of precautionary measures, the REDESCA participated by offering its technical inputs from the stage of initial evaluation and request for information from the parties to the formulation of resolutions in matters of serious risk related to ESCER, particularly with respect to the right to health in the issues that relate to the pandemic and others in which a direct impact was seen to the population in situation of vulnerability. Along these lines, the REDESCA highlights, for example, resolution No. 04/2021 with respect to Venezuela, referring to the expansion of a series of measures granted previously, related to the situation of people with multiple sclerosis for whom the extension was granted, given the situation of the country's health system.
24. On the other hand, in February 2021, the REDESCA participated in the hearing before the Inter-American Court regarding the case of Vera Rojas et al. v. Chile. In this context, the Special Rapporteur was able to present allegations concerning the protection of the right to health in the context of catastrophic diseases. In the same vein, arguments were introduced in relation to the right to care as a point to be considered by the Court.
25. Similarly, on May 12 and 13, 2021, the REDESCA participated in the hearing before the Inter-American Court on the case of Sandra Cecilia Pávez vs. Chile, which refers to the alleged international responsibility of the State for the disqualification, based on sexual orientation, of

Mrs. Sandra Cecilia Pávez Pávez for the exercise of the teaching of the subject of religion in an institution of public education, a position he had held for more than 22 years.

26. Likewise, on May 5, 2021, the Inter-American Court of Human Rights published Advisory Opinion number 27, which was submitted to its attention at the impulse of the REDESCA with the IACHR based on Article 64.1 of the American Convention on Human Rights seeking to determine "the scope of the obligations of the States, under the inter-American system, on guarantees of freedom of association, its relationship with other rights and application from a gender perspective." The REDESCA welcomes the issuance of this advisory opinion by the Court and welcomes the fact that, through its initiative, the standards on trade union and labor rights of the inter-American system have been enriched with a gender and women's rights perspective, in light of the challenges of the present and future of the world of work. It also welcomes the fulfillment of the objective of helping to generate an inter-American dialogue on the matter, given the high and diverse participation of individuals, institutions, States and international organizations in the process of processing the request for an advisory opinion before the Court.⁹

2) Participation in periods of sessions and public hearings of the IACHR

27. During 2021, the Office of the Rapporteur actively participated in the Periods of Sessions numbers 179, 180, 181, 182 of the IACHR, as well as in all the internal sessions, held remotely due to the context of the pandemic. However, it is specified that the 182 had a mixed modality, with a first week in person in the city of Washington DC. During these Periods of Sessions, the REDESCA has accompanied the IACHR in countless public hearings, as well as in the working sessions of the IACHR, actively participating in the debates related to the issues within the competence of the mandate.
28. In this sense, the REDESCA highlights that during the 180th Period of Sessions it organized a virtual conversation with Civil Society Organizations of the region on the situation of access to vaccines in the continent. The meeting was attended by many people and organizations from the region, in which they exposed the worrying situation about the difficulties in certain countries to access vaccines or the little information available in this regard. In that regard, the REDESCA noted with concern that, in the absence of quality and timely official information, people were informed by unreliable sources or that misinformed about vaccines and the pandemic.
29. Similarly, REDESCA highlights the organization of an event with the Center for Economic and Social Rights (CESR) within the framework of the 179th Regular Session. The objective of this event was to present a proposal for a set of principles and guidelines on human rights in the fiscal policy of States. This effort was also coordinated with other civil society organizations such as the Global Alliance for Tax Justice, the GI- ESCR, among others.
30. On the other hand, the REDESCA actively participated and contributed to the preparation of public hearings related to its mandate. The following is a summary of the public hearings in which the Special Rapporteur took special part in 2021:

⁹ CorteIDH, Advisory Opinion OC-27/21 of 5 May 2021 on the Human Rights to freedom of association, collective bargaining and strike, and their relationship with other rights, with a gender perspective.

State / Regional	Session		Title of the Hearing	Date
Uruguay	179th Session	Regular	Access to truth, justice and reparation with a gender perspective in Uruguay	March 18
Nicaragua	179th Session	Regular	Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua	March 18
Honduras	179th Session	Regular	Human rights and extractive projects in Honduras	March 19
Regional	179th Session	Regular	Situation of the human rights of women deprived of liberty in the context of the COVID-19 pandemic in the region	March 19
Mexico	179th Session	Regular	Situation of children and adolescents in Social Assistance Centers in Mexico	March 19
Mexico	179th Session	Regular	Experience of the Mexican State with the System for Monitoring and Attention to International Recommendations on Human	March 19
Brazil	179th Session	Regular	Human rights and mental health in Brazil	March 23
Regional	179th Session	Regular	Human rights situation of transboundary indigenous peoples in the context of the COVID-19 pandemic in Ecuador, Colombia and Peru	March 24
Chile	179th Session	Regular	Lack of protection of the right to water and impact on rural, peasant and indigenous populations in Chile	March 24
Colombia	179th Session	Regular	Situation of the human rights of the Afro-descendant, peasant and indigenous communities of Bajo Atrato, Colombia	March 24

State / Regional	Session		Title of the Hearing	Date
Regional	179th Session	Regular	Sexual and reproductive rights in the context of the COVID-19 pandemic in the region	March 25
Regional	179th Session	Regular	Human rights situation of migrants and refugees in the context of the COVID-19 pandemic in South America	March 25
Regional	179th Session	Regular	Internet Content Moderation and Freedom of Expression in the Americas	March 25
Venezuela	179th Session	Regular	Criminalization of human rights defenders in the context of the COVID-19	March 25
Bolivia	180th Session	Regular	Situation of the rights of LGBTI people in Bolivia in the context of the COVID-19 pandemic	June 24
Honduras	180th Session	Regular	Sexual and reproductive rights in Honduras	June 24
Trinidad and Tobago	180th Session	Regular	Situation of the human rights of migrants and persons deprived of their liberty in Trinidad and Tobago	June 24
Cuba	180th Session	Regular	New patterns of persecution of human rights defenders and the situation of women defenders in Cuba	June 25
United States	180th Session	Regular	Human Rights Situation of Migrants and Detention Centers in the United States	June 28
Colombia	180th Session	Regular	PM 51.15 - Wayuu Indigenous People Settled in the Department of La Guajira vs	June 29
Guatemala	180th Session	Regular	Situation of women's human rights in Guatemala	June 29
El Salvador	180th Session	Regular	General situation of human rights in El Salvador - EX OFFICIO	June 30
Nicaragua	180th Session	Regular	Situation of political rights in the electoral context in Nicaragua	June 30

State / Regional	Session		Title of the Hearing	Date
Venezuela	180th Session	Regular	Situation of the right to health of children and adolescents in Venezuela	June 30
Brazil	180th Session	Regular	Human rights situation in Brazil in the context of the COVID-19 pandemic - EX	July 1
Brazil	180th Session	Regular	MC-563-20 - Yanomami People and Ye'kwana People and MC-754-20, MC-679-20	July 1
Mexico	180th Session	Regular	Protection of the human rights of persons in situations of human mobility in Mexico	July 1
Ecuador	181st Session	Regular	Human rights situation of people of African descent on agricultural plantations in Ecuador	October 21
Cuba	181st Session	Regular	Human rights situation in the context of the protest in Cuba	October 21
Brazil	181st Session	Regular	Situation of human and environmental rights defenders in Brazil	October 22
Regional	181st Session	Regular	Human rights situation of indigenous children in school boarding schools in the region	October 22
Colombia	181st Session	Regular	Follow-up to the observations and recommendations of the working visit to Colombia	October 26
Regional	181st Session	Regular	Impact of extractive industries on human rights and climate change in the Caribbean	October 26
Regional	181st Session	Regular	Protection of persons on human mobility in the United States, Mexico and	October 26
Honduras	181st Session	Regular	Human rights situation in the context of the pandemic in Honduras	October 27
Venezuela	181st Session	Regular	Human rights situation of women, adolescents and girls in Venezuela	October 28

State / Regional	Session		Title of the Hearing	Date
Regional	181st Session	Regular	Human Rights Situation of Persons Deprived of Liberty in the Americas	October 28
United States	181st Session	Regular	Human Rights Situation of Migrants and Refugees in the United States	October 28

3) Monitoring Activities

31. The REDESCA continues to monitor the situation of ESCER actively and permanently in the Americas, in close coordination with the teams of the Executive Secretariat of the IACHR. The emphasis of the mandate monitoring has been the right to health and its social determinants in relation to the context of the pandemic, the guarantee of the rights of health workers and the intersectional impact on other ESCERs. In addition, the situation of the right to a healthy environment in the context of climate change, as well as business and human rights, has been particularly monitored. The REDESCA actively participated in the activities of SACROI-COVID19, both in its monitoring and promotion work, as well as in its training and dissemination.
32. In this regard, it is also important to emphasize that the REDESCA exercised leadership in monitoring the situation of equitable access to COVID-19 vaccines in the region. Given this, it is important to emphasize that the mandate held meetings with specialized entities such as PAHO, States and civil society organizations that have knowledge about it. Additionally, the REDESCA led and coordinated the drafting of Resolution 1/2021 on COVID-19 vaccines within the framework of inter-American human rights obligations. Likewise, the REDESCA published a series of pronouncements in this regard through its social networks, specifically on its Twitter account @desca_cidh.
33. In the development of these tasks, the following should be highlighted: (i) preparation and participation in 19 press releases and various pronouncements on social networks; (ii) preparation of observations and recommendations on ESCER based on the on-site visit to Colombia; also for the reports on El Salvador, Haiti and the thematic on Pandemic and Human Rights; (iii) preparation of ESCER inputs for the annual report of the IACHR, (specifically for chapters IV.B and V), and (iv) meetings with civil society organizations, during the Regular Periods of Sessions (POS), within the framework of follow-up activities of the mandate. Also in 2021, the report on ESCER of people of African descent was published, the result of a joint effort of the REDESCA with the IACHR.¹⁰
34. Finally, the REDESCA sent a letter at the regional level requesting information on the distribution, access and acquisition of vaccines against COVID-19 under a human rights and public health

¹⁰ CIDH, Report Economic, social rights, cultural and environmental of the people of African descent: Inter-American Standards for prevention, combat and eradication of structural racial discrimination, OEA/Ser.L/V/II. Doc. 109 16 March 2021

approach, within the framework of the implementation of Resolution 1/2021. In this regard, REDESCA takes note of and appreciates the response of eleven OAS Member States, specifically the States of: Argentina, Brazil, Canada, Chile, El Salvador, the United States, Guatemala, Honduras, Mexico, Paraguay and Uruguay.

4) **Advocacy activities and Technical Assistance of the Mandate**

35. In 2021, the mandate organized and participated in numerous activities to promote ESCER and in particular increase the capacities of both civil society and the public sector, particularly ESCER-related institutions. Likewise, it held meetings with States, national human rights institutions and civil society organizations, seeking to generate spaces for training and empowerment in the issues that comply with the mandate. Without exhaustive spirit, these activities are detailed below:

Activity	Subject(s)	Place/Date	Observation
4th International Forum on Justice and Environmental Law	Health and environment	Online/ January 14	Organized by the Environmental Court of Chile
Meeting with Bread for the World and the Heinrich Boell Foundation	Impact of climate change and business activities on the guarantee and protection of human rights, specifically ESCERs	Online/ January 19	Objective: to seek alliances and joint strategies to address issues related to the themes of the meeting
First working meeting with the ONCE Social Group	Working Meeting	Online/ January 19	Two members of the team were invited to "the Inclusive Leadership Workshop". This training was taken advantage of by an intern and an intern of the team.
Event of the National Institute of Access to Information of Mexico	Education and public information: key rights for the prevention of gender-based violence	Online/ January 25	Presentation on Education as a key tool to promote equality and access to information.
International Conference	Business and Human Rights	The line/February 28	Organized by the German Ministry of Foreign Affairs
Colloquium with the International Network on Climate Change, Energy and Human Rights (RICEDH) and the Max Planck Institute	Implementation of the Environmental Jus Commune in the region for the presentation of three literary works on the subject	Online/	Organized by REDESCA in conjunction with RICEDH and the Max Planck Institute
Training project Norway - National Human Rights Institutions of Central America and Mexico	Workshop for the Strengthening of Capacities of National Human Rights Institutions of Central America and Mexico on the Protection Mechanisms of the Inter-American Human Rights System: Inequality, Poverty and Guarantee of ESCERs in Central	Online/ March 11 and 12	Organized by REDESCA

	America and Mexico in the Context of Human Mobility.		
Training project Norway - Civil Society of Nicaragua	Workshop on the use of the mechanisms of the inter-American system and the standards of protection of ESCER.	Online / March 4 and 5, 2021	Organized by REDESCA
Dissemination cycle	Special Dossier on Business and Human Rights: Progress, challenges and proposals to accelerate a collaborative work agenda	Online/ April 7	Organized by the Special Dossier of the Electronic Journal of the Human Rights Council of the Ombudsman's Office of the CABA (REC)
Training project Norway - States of Central America and Mexico	Workshop for the Strengthening of Capacities for Public Servants of Central America and Mexico on the Protection Mechanisms of the Inter-American Human Rights System: Inequality, Poverty and Guarantee of ESCERs in Central America and Mexico in the Context of Human Mobility	Online/ April 21 and 22	Organized by REDESCA
Participation in the launch of an online course on private security	Private Security and Human Rights	Online/April 28	In cooperation with the technical secretariat of the Ibero-American Federation of Ombudsmen (FIO) and the secretariat of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (RINDHCA)
Webinar on Resolution 1/21: Dialogue on Pandemic, Vaccines, and Human Rights in the Americas	Pandemic, Vaccines, and Human Rights in the Americas	Online/ May 10	Organized by the REDESCA, participation of the United Nations High Commissioner for Human Rights, Michelle Bachelet, the President of the IACHR, Commissioner Antonia Urrejola, as well as representatives of key actors such as PAHO and top-level experts



Virtual forum	discussion	Management of environmental damage in the mining field from a human rights perspective in Brazil	Online/May 14	Sponsorship and participation of REDESCA
Promotion panel	Resolution 1/2021	Access to COVID-19 vaccines within the framework of international human rights obligations	Online/ May 20	Organized by American University Washington College of Law
Training workshops on inter-American standards for addressing violence and discrimination against women and girls		Inter-American Standards to Combat Violence and Discrimination against Women, Girls, and Adolescents	Online/ May 24 and 25	Aimed at people justice operators and security officers
International Congress		Academic Freedom	Online/ May 25 and 26	Supported in the organization of the conference
Obligation of States to conduct Social, Environmental and Rights Impact Studies before authorizing megaprojects and inter-American standards		Human rights and business. Protection of the Right to a Healthy Environment	Online/ May 27	FOUND Mexico.
Panel		Challenges in access to adequate housing for refugees and migrants from Venezuela	Online/May 28	Held the framework of the International Conference of Donors in Solidarity with refugees and migrants from Venezuela
Webinar		Access to COVID-19 vaccines	Online/ June 15	
International Course		Public Policies on Human Rights	Online/ June 21	Conducted within the framework of IACHR trainings
Training America	Central	poverty, inequality and ESCER in Central America and Mexico	Online/ July 12	Aimed at civil servants of different portfolios and for National Human Rights Institutions

Webinar	Impact of COVID-19 on the right to mental health	Online/ July 15	Co-facilitated by the United Nations Treaty Bodies, the Human Rights Treaty Branch (Capacity Building Programme) and the United Nations Regional Human Rights Offices for Central and South America
Presentation of the "Compendium on Labor and Trade Union Rights. Inter-American Standards	Labor and trade union rights	Online/July 15	organized by the Federal School of Judicial Training of Mexico and the Council of the Federal Judiciary
International Congress "Human rights as a transversal axis in the education of young people in Latin America and Europe"	Right to education	Online/ August 11	Held within the framework of International Youth Day
Webinar	Human Rights and the COVID-19 Pandemic	Online/ August 25	Organized by the National University of Costa Rica
II Meeting of the Alliance of Environmental Legal Clinics 2021	Discussion and reflection on the strengthening environmental regulation in the region	Online/August 25	Support from the Faculty of Law of the Pontifical Catholic University of Peru
Workshops with experts on academic freedom	Academic Freedom and University Autonomy	Online/August 30 – September 2	In coordination with the RELE, the Academic Network and different organizations
Webinar on Principles of Human Rights in Tax Policy	Fiscal and economic policies	Online/September 7	Co-organized by REDESCA in coordination with the Civil Association for Equal Justice (ACIJ), the Center for Human Rights and the Initiative for the Principles of Human Rights in Fiscal Policy.
PADF Honduras, Guatemala and El Salvador – for members of the Public Defender's Offices and justice sector officials	Cycle of trainings on the right to health and labor and trade union rights within the framework of the Inter-American Human Rights System	Online/October 4 and 14	Organized by REDESCA

VI Regional Forum on Business and Human Rights for Latin America and the Caribbean	Progress, good practices, challenges and opportunities for an energy transition that respects human rights in the region	Online/ October 6	
Meeting with Civil Society Organizations - Cuba	Labor and trade union rights	Online/October 6	Carried out within the framework of the PADF Cuba project
Exchange session with the European Parliament	Business and Human Rights: European Union law on due diligence and remedies	Online/October 13	Participation of Members
Meeting with Civil Society Organizations	Climatic situation of the region	Online/October 25	Request for information regarding the climate situation and follow-up of the participation that civil society would have in the framework of the climate negotiations
IX Latin American and Caribbean Colloquium	Human Rights Education	Online/October 27	Presentation of the REDESCA: "The challenges of Human Rights Education in the face of the pandemic and the climate emergency"
Event - Argentina	Gender focus, diversity and freedom of association in Latin America. Interpretative keys of the Inter-American Court	Online/ November 3	Organized, among others, by the Faculty of Law Professors (UBA) Interdisciplinary Group Social Rights and Public Policies
Webinar	The role of NHRIs in the business and human rights agenda	Online/November 4	Carried out within the framework of the presentation of the Framework Protocol for Ombudsmen's Offices in Business and Human Rights, prepared by the Business and Human Rights Program of the Ombudsman's Office of the Argentine Nation.
Official panel of the IPCC and MERI Foundation	Protection of indigenous peoples in the context of the climate emergency	Online/ November 4	Held in the blue zone of COP 26, specifically in the Scientific Pavilion
Webinar with GIZ and Flacso	Right to health in the context of the pandemic	Online/November 9	Presentation of the report "The COVID 19 pandemic: the right to health in tension"

Meeting with Civil Society Organizations - Cuba	Cultural rights, artistic work and social protest in Cuba	Online/ November 26	Carried out within the framework of the PADF Cuba project
High-level Forum of Indigenous Peoples and ESCER	The situation of Venezuelan indigenous peoples located in Colombia, Brazil, Guyana and Trinidad and Tobago	Online/ November 30	

36. Also, during 2021, REDESCA has participated in processes of high relevance for the action and strengthening of the mandate. These include the technical assistance provided in the preparation of the report "The right to health in tension" together with FLACSO and the German Agency for International Cooperation (GIZ)¹¹. The same can be said of the periodic meetings held with the Network of Legal Clinics on ESCER, Alliance of Environmental Legal Clinics of Latin America and the Caribbean, the International Network on Climate Change, Energy and Human Rights (RICEDH); and finally with the Global Network on Human Rights and the Environment (GNHRE).
37. In addition, the REDESCA actively participated in several projects of the Academic Network of the IACHR, among which the one that led to the adoption of the Inter-American Principles on Academic Freedom stands out, a line of action that the Office of the Special Rapporteur has been developing since its creation. The REDESCA thanks all the people and institutions that are part of these networks, for their constant support of the mandate, desiring to continue strengthening such alliances and joint actions.

5) OAS San Salvador Protocol Working Group

38. In 2021, the Special Rapporteur continued to carry out her duties as an expert of the Working Group on the Protocol of San Salvador, which she has been representing the Commission since November 2017, following her appointment as Special Rapporteur. Her work included the evaluation and review of Reports of States Parties, preparation of inputs for the GTPSS on them, as well as active participation in virtual sessions and sessions.
39. In October, the Special Rapporteur was unanimously nominated and elected as President of the Group. Along with thanking her colleagues for their trust and opportunity, the Special Rapporteur will bet during her administration on strengthening the Group and its synergies with the IACHR, seeking to consolidate the space for the promotion and protection of ESCERs within the OAS and its member states. Likewise, it will continue to work especially collaboratively with the Working Group for the year 2022, in order to achieve the ratification of the Protocol of San Salvador by the OAS member states that have not yet done so.

¹¹ FLACSO, The COVID-19 pandemic: the right to health in tension. A qualitative exploratory study in Chile, Colombia, Costa Rica and Mexico. Presented to REDESCA on October 11, 2021

6) Visits and Working meetings

State	Dates/Places	Topic(s)/ rapporteurships	Institutions visited	Commissioner/ Rapporteur	Nature of the visit	Observation
Mexico	11 and 12 January	Situation of human mobility in Mexico	Public institutions in Mexico, international organizations with a territorial presence in the country and representatives of civil society organizations	Commissioner Julissa Mantilla, Commissioner Esmeralda Arosemena de Troitiño, Soledad García Muñoz, Special Rapporteur REDESCA	Virtual work visit	Restrictions faced by this population in relation to access to ESCER
Colombia	June 8-10, 2021	Observe the human rights situation in the context of the protests that began on 28 April.	Government authorities at different levels of the executive, legislative and judicial branches; representatives of civil society organizations, collectives, groups, trade unions	President of the IACHR, Commissioner Antonia Urrejola; Commissioners Joel Hernández and Stuardo Ralón; Special Rapporteur for Freedom of Expression, Pedro Vaca.	Face-to-face work visit	A REDESCA consultant was part of the delegation at the Working Visit, surveying and monitoring the human rights situation in the country with the constant virtual accompaniment of the Special Rapporteur. REDESCA provided inputs to the IACHR report.

7) Thematic, annual reports and production of expert knowledge

40. While this year has been especially challenging for the mandate, the REDESCA has managed to meet its objectives and support the IACHR in the generality of the substantial activities for the mandate. In this regard, the REDESCA played a significant role during the IACHR's virtual visit to Mexico and the working visit to Colombia. Similarly, the REDESCA contributed to the update of the report on the visit to Venezuela, El Salvador and Haiti. The REDESCA has continued to make progress in the preparation of the ESCER compendium and the work aimed at the report on poverty, inequality and human mobility in Central America and Mexico, both financed by Norwegian cooperation.
41. Additionally, the publication of the report on ESCER of people of African descent stands out. Fruit of a joint work of the REDESCA with the Rapporteurship of Afro-descendants of the IACHR. Similarly, the REDESCA is coordinating with the Public Policy and Cooperation Section of the

Executive Secretariat the content and review of the report on Pandemic and Human Rights in the Hemisphere.

42. Similarly, the Office of the Special Rapporteur has developed a series of actions aimed at promoting ESCER through various technical advice requested by public entities in the region. Specifically, the REDESCA sent observations at the request of the Ecuadorian State on the work plan of the Action Plan on Business and Human Rights in the country. Similarly, at the request of the Peruvian legislature, the mandate sent comments on the draft law on the rights of nature and mother earth.

8) Special pronouncements and declarations

43. In carrying out its mandate, through the permanent monitoring of the situation of ESCER in the region, the Office of the Special Rapporteur issues statements, press releases, reports, and opinions on cases and petitions related to the issues of the mandate. Likewise, the information received from the Office of the Rapporteur generally comes from information received through various channels, as well as from press releases and requests for information made during the year.
44. During 2021, the Office of the Special Rapporteur has prepared and collaborated in the preparation of various press releases to draw attention to facts that are of special concern in relation to the issues of the mandate, particularly during the global health crisis. During 2021, the Office of the Special Rapporteur published 19 press releases, which can be found on the website of the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights. The following is a summary of the press releases issued in 2021 by the Office of the Special Rapporteur or with its participation:¹²

¹² Available in: <https://www.oas.org/es/cidh/desca/comunicados/default.asp>

Country	Topics	Number	Title	Place/Date
Nicaragua	Scarcity of public information on the pandemic	309/21	<u>The IACHR and the REDESCA express their alarm at the scarcity of public information on the pandemic in Nicaragua, and urge the State to implement urgent health prevention measures with scientific support and a human rights approach.</u>	Washington, D.C., November 17, 2021
Regional	Framework Convention on Climate Change	291/21	<u>In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on the OAS Member States to put the protection of human rights at the center of their climate policies and actions.</u>	Washington, D.C., November 4, 2021
Guatemala	Excessive use of force against demonstrators and members of the Q'eqchi' Maya communities, as well as acts of repression against journalists and media outlets	293/21	<u>IACHR Condemns Excessive Use of Force and Repression against Q'eqchi' Maya Indigenous Peoples, Journalists, and Media outlets in El Estor, Guatemala</u>	Washington, D.C., November 4, 2021
Regional	Lack of universal and equitable access to COVID-19 vaccines	282/21	<u>The IACHR and the REDESCA express their concern about the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries.</u>	Washington, D.C., October 25, 2021
Regional	Thematic report on ESCER for people of African descent	226/21	<u>On the historic International Day of Persons of African Descent, the IACHR and its REDESCA publish a new thematic report.</u>	Washington, D.C., August 31, 2021
Haiti	Impact on ESCER after earthquake	212/21	<u>The IACHR and the REDESCA express solidarity with the Haitian people in the face of a magnitude 7.2 earthquake, urging the State and the international community to adopt an immediate and comprehensive humanitarian response.</u>	Washington, D.C., August 15, 2021
Cuba	Lack of due process guarantees after protests in Cuba	211/21	<u>The IACHR and its Special Rapporteurships express their concern over the allegations of arbitrary detentions, incommunicado detention, lack of defense, and other due process violations, in the context of the July 11 protests in Cuba.</u>	Washington, D.C., August 12, 2021
Regional	Protection of indigenous peoples' territories	207/21	<u>On World Indigenous Peoples' Day, the IACHR and the REDESCA urge States to redouble their efforts to protect the territories of indigenous peoples as an essential measure to protect nature and biodiversity, as well as to guarantee their rights during the COVID-19 pandemic.</u>	Washington, D.C., August 9, 2021
Nicaragua	Human Rights of the Medical Sector	197/21	<u>The IACHR and its REDESCA urge Nicaragua to immediately cease harassment of the medical sector.</u>	Washington, D.C., July 28, 2021

Cuba	Right to education and academic freedom	192/21	<u>The IACHR and its Special Rapporteurships Express Concern over the Situation of University Autonomy and Academic Freedom in Venezuela</u>	Washington, D.C., July 26, 2021
Cuba	Trade union rights in Cuba	177/21	<u>The IACHR and its Special Rapporteurships condemn state repression and the use of force in the context of peaceful social protests in Cuba, calling for dialogue on citizen demands.</u>	Washington, D.C.- July 15, 2021
Regional	Employment discrimination against LGBTI people	160/21	<u>Celebration of Pride: IACHR and REDESCA call on States to adopt measures for the employability and protection against employment discrimination of LGBTI persons.</u>	Washington, D.C., June 28, 2021
Regional	Access to COVID-19 vaccines in older people	149/21	<u>In commemoration of the "World Day of Awareness of Abuse and Maltreatment in Old Age," the IACHR and its REDESCA recall the importance of prioritizing older persons in the vaccination process against COVID-19.</u>	Washington, D.C., June 15, 2021
Cuba	Food shortages in Cuba	136/21	<u>The IACHR and its REDESCA express their concern over the persistent food shortages in Cuba.</u>	Washington, D.C., May 25, 2021
Cuba	Rights of journalists and activists in Cuba	119/21	<u>The IACHR and its Special Rapporteurships Condemn the Harassment of Artists, Journalists, and Activists in Cuba and Call on the State to Cease Acts of Persecution against Those Who Exercise the Right to Freedom of Expression and Artistic Creation</u>	Washington, D.C., May 13, 2021
Regional	Entry into force of the Escazú Agreement	98/21	<u>On Earth Day, the IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency.</u>	Washington, D.C., April 22, 2021
Regional	Right to health of people of African descent	66/21	<u>On the International Day for the Elimination of Racial Discrimination, the IACHR and its REDESCA call on States to guarantee the right to health with an intersectional and intercultural approach for people of African descent.</u>	Washington, D.C., March 19, 2021
Brazil	Public health situation in Brazil	61/21	<u>The IACHR and its REDESCA express their concern about the serious public health situation in Brazil in the face of COVID-19.</u>	Washington, D.C., March 16, 2021
Regional	Public health and COVID-19 vaccines	27/21	<u>The IACHR and its REDESCA call on American States to put public health and human rights at the center of their decisions and policies on COVID-19 vaccines.</u>	Washington, D.C., February 5, 2021

9) Financing

45. The REDESCA was put into operation in September 2017 thanks to a project with funds initially planned to ensure a single year of operation, mostly from the Fund of Spain in the OAS, with a partial contribution from the Swiss cooperation and small amounts of voluntary contributions from Argentina, Peru, Paraguay and Uruguay.
46. The efficient management of available resources, such as the assurance of new specific items, has made it possible for the REDESCA to continue its operation until it completes more than four years of mandate; this despite not having any resources from the regular fund of the OAS, which would certainly be desirable at least to cover its minimum operating.
47. Faced with this situation, the REDESCA, in a process led by its Special Rapporteur, has continued during 2021 with an intense agenda of meetings, with the aim of seeking strategic alliances and sources of financing in order to strengthen, give sustainability to the mandate, and strengthen the work on the strategic lines defined for her second term.
48. During the year 2021, the REDESCA has successfully completed the implementation of the second year of implementation of the project financed by the Norwegian Cooperation Agency. This project, which has a duration of 4 years, aims at the protection and promotion of ESCER in Central America and Mexico.
49. Likewise, the REDESCA finalized the presentation of the project "Promotion and protection of ESCER in the Americas" (Phase III) before the Spanish Fund for the OAS (FEPO), which was approved by the donor and is expected to begin its execution in 2022.
50. The contributions and participation of REDESCA in projects shared with the Executive Secretariat of CIDH, with the donor PADF, with unbeatable results, are also highlighted.
51. The REDESCA has received contributions during 2021 from the Permanent Mission of Canada to the OAS and the Centre for Economic and Social Rights (CESR). These contributions have supported the development of two strategic lines defined for this second term, such as business and human rights and fiscal policy and human rights.
52. During 2021, the semester scholarship financed by the University of Monterrey (UDEM) and the assignment of associated personnel by the Public Ministry of Labor of Brazil continued to be developed. In addition, new agreements were concluded, among which the future collaboration with the O'Neil Institute of Georgetown University stands out.
53. Likewise, the Office of the Rapporteur has continued to develop valuable links with other areas and instances of the OAS, public institutions, especially with the National Human Rights Institutions and the Ibero-American Federation of Ombudsmen. Likewise, with civil society, universities and other international organizations.
54. The Rapporteur appreciates all the contributions made to the REDESCA voluntary fund by OAS member states and observers. Among the members, since the foundation of the office and to date, contributions have been received from Argentina, Mexico, Paraguay, Peru and Uruguay. On the part of the Observers, special emphasis and gratitude deserves the economic support received from Spain, through successive projects and from Norway with whom in 2019 a first agreement

- was signed. France has also contributed to the voluntary fund and Switzerland has done so in some of the projects that REDESCA implements. Cooperation actions have also been carried out with the German Agency for International Cooperation and FLACSO.
55. REDESCA places on record that all the achievements and work reported in the present report have occurred despite the financial constraints on the mandate. In fact, in addition to her many responsibilities, the Special Rapporteur has been carrying out an enormous amount of work in the search for resources.
 56. Recalling that REDESCA was established with minimum resources provided by specific external funds and the fact that the Special Rapporteurships of the IACHR so far do not receive resources from the regular budget of the OAS, it is vital for them to obtain the necessary resources for their proper functioning and fulfillment of objectives. For this reason, the IACHR and its Special Rapporteur ESCER reiterate the urgent call to receive financial support from member states and observers, as well as from other donors committed to the issues of the mandate in order to ensure the consolidation and development of its fundamental mission.
 57. It is essential that REDESCA has the necessary financial support for the consolidation and sustainability of the mandate, whose birth comes from a clamor of civil society, as well as of the States themselves in the framework of the process of strengthening the system. In the context of the pandemic and climate emergency, the commitment to ESCER is essential, with the creation and achievements of the Office of the Special Rapporteur being a key element in the comprehensive response that the IACHR, as well as the inter-American system, are giving to the great challenges that the American continent, the most unequal on the planet, is going through.

10) Staff

58. REDESCA notes that, due to the particular circumstances of the pandemic, the Office of the Special Rapporteur, under the guidelines of the OAS General Secretariat, during 2021 continued a modality of remote work, which has meant a challenge that has been overcome by the mandate thanks to the efforts made by its holder and the team.
59. In this regard, the Office of the Special Rapporteur has continued to carry out its functions under the leadership of the Special Rapporteur, Soledad García Muñoz. Likewise, the mandate has worked with the following consultants: Daniel Noroña Torres (Ecuador/United States), María Victoria Faroppa (Uruguay) and Paula Mora (Colombia), as well as the associate staff Sofia Vilela (Brazil).
60. During 2021, the REDESCA has also benefited from the special collaboration of its fellow Constanza Aranda (University of Monterrey, Mexico), and the interns: Antonella Tescarolli (Ecuador), Elisa Franco (Chile), Andrés de Cicco (Argentina), María Gorrochategui (Spain), Florencia Prieto (Uruguay) and Rafael Cacho (Mexico).
61. The REDESCA especially thanks the consultants: José Manuel Ramos (Mexico), Christel Kristensen (Denmark), Mario Chinchilla (Honduras), Humberto Cantú (Mexico) and Antonio Jaén (Spain) for all the support given to the mandate in different projects.

62. The Special Rapporteur extends her deep gratitude to all, as well as to the institutions of belonging who have joined the office during 2021. Also to all the staff of the Executive Secretariat of the IACHR who during the year have contributed to the tasks of the REDESCA, especially in the administrative and management areas.

CHAPTER II: SITUATION OF ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS IN THE HEMISPHERE

INTRODUCTION AND METHODOLOGY

63. The mandate was based on the information received during the country visits, the ex officio investigations, inputs from the different mechanisms through which the Commission has followed up on the situation of the Member States, such as public hearings, thematic visits, requests for information under Articles 41 and 18 of the American Convention. precautionary measures, as well as other information received from civil society organizations, academic institutions, journalistic notes, reports of the Working Group of the Protocol of San Salvador, decisions and recommendations of specialized international organizations, among other sources of information available to the REDESCA.

64. For its part, in the context of the preparation of the Annual Report of the IACHR, REDESCA provided the inputs required in the preparation of Chapters IV.B and V of the Commission's Annual Report, in relation to the topics of the mandate and taking into account all the information it received in different areas. This report is complementary to Chapter IV.A of the IACHR report on information regarding the situation of ESCER with respect to the 35 countries of the region.

65. In all cases, the sources used are cited as established in Article 58, numeral fifth, of the Rules of Procedure of the Commission. It should be noted that the amount of information used varies by country depending on the data and sources available for the mandate, without presupposing comparisons between countries, but reflecting the main findings of the REDESCA in its monitoring exercise during 2021. Therefore, they are their approach to the general situation of ESCER in the Americas.

66. In the methodology used, the REDESCA has sought above all to ensure the development of its regional monitoring work with the greatest efficiency and rigor that the resources at its disposal allow it. In this regard, it is important to remember that the objectives of the REDESCA mandate are outlined in its strategic agenda, which establishes the issues of attention of the mandate, which in turn are aligned with the approaches of the Sustainable Development Goals (SDGs) of the United Nations.

67. For this reason, it has also considered the methodology of institutional and contextual analysis built by the United Nations Development Program (UNDP), taking into account as its main guide the inter-American and universal standards applicable to ESCER.¹³

68. In this regard, the REDESCA generally agrees on the application of the inter-American normative framework on ESCER and what has been stated by the United Nations Committee on Economic, Social and Cultural Rights (hereinafter, ESCR Committee), when in relation to the International Covenant ESCR states: "the Committee reaffirms that the rights recognized in the Covenant can be made effective in the context of a wide variety of economic and political systems,

¹³ United Nations Development Programme, [Institutional and Contextual Analysis for the SDGs](#), August 2017, p. 5

provided only that the interdependence and indivisibility of human rights are the principles used for their application."¹⁴¹⁵

69. For the REDESCA, the fight against poverty and inequality is the highest umbrella of the entire mandate, in line with the United Nations 2030 Agenda. Considering that in the last decade significant progress has been made in the region in the area of ESCER, which has allowed large sectors of the population to escape poverty and extreme poverty, it is particularly worrying that these achievements are now at serious risk of regression at the regional level. For this reason, the REDESCA recalls that States have the obligation to adopt deliberate and concrete steps to advance in the eradication of poverty, addressing this problem from a human rights perspective and developing strategies to guarantee their entire population at least essential contents of social and environmental rights.¹⁶¹⁷

70. Along with expressing its concern about the persistence of poverty and inequality in the region, such as the risk of increased poverty and extreme poverty in countries where serious human rights crises are occurring, the REDESCA emphasizes that such aspects of special concern have guided the realization of this Report. However, taking into account the present circumstances of the pandemic, the REDESCA from the outset indicated that the health crisis presents a series of extraordinary challenges from the point of view of health systems, people's daily lives and the observance of human rights within the framework of democratic systems. In this sense, the REDESCA took as part of its main axis the guarantee of the right to health along with its social determinants, based on an intersectional and transversal analysis.¹⁸

71. Similarly, the REDESCA takes into consideration the cross-cutting effects of poverty on the enjoyment and enjoyment of all human rights, in particular ESCER. In this way, the Office of the Rapporteur seeks to make visible the direct effects of this phenomenon on ESCER. In this regard, the REDESCA carried out an exercise in which, following the approval by the IACHR of its new strategic plan, it develops the content of the ESCER under the framework of its strategic lines, emphasizing the differentiated impacts on people in situations of vulnerability and historical discrimination.

72. In this regard, the REDESCA reports that, within the framework of its new multi-year strategic plan approved by the IACHR this year, it has defined a series of priority strategic lines of action, which have guided the preparation of this report. Specifically, the information is grouped with differences according to the degree of information available by country, around the following topics: the right to health and its social determinants; the climate emergency and the human right to water; business and human rights; labor and trade union rights; fiscal and economic policies

¹⁴ International Covenant on Economic, Social and Cultural Rights.

¹⁵ ESCR Committee, General Comment No. 3, Para. 8

¹⁶ CIDH, Report on Poverty and Human Rights in the Americas, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 349.

¹⁷ IACHR, Press Release No. 048/19, The Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (ESCER) presents a report on its results in 2018 and together with the IACHR calls for commitment to strengthening them, February 27 of 2019.

¹⁸ CIDH, The IACHR and its REDESCA urge to ensure the prospects for the comprehensive protection of human rights and public health in the face of the COVID-19 pandemic, March 20, 2020

from a human rights perspective; education, science and technology with emphasis on academic freedom and university autonomy and, finally, human mobility and the guarantee of ESCER.

73. This has made it possible to generate a more detailed and focused monitoring on the urgent issues for the mandate and for the region. In this regard, the Office of the Special Rapporteur emphasizes that these strategic lines are the result of the strategic planning process for the second term of office, through dialogues with the IACHR, its Executive Secretariat, and the REDESCA team, as well as with experts from the region, with civil society organizations, and with other individuals and organizations interested in the work of the office.

74. In this regard, with respect to the strategic lines, the Office of the Special Rapporteur points out that, on the first strategic line of the right to health, the objective of this section is mainly to report on the effects on the right to health, both those derived from the pandemic and those that originate from structural problems identified by the mandate. It should be noted that, in addition, this year information on national vaccination plans and other relevant information in that context were included.

75. In relation to the climate emergency and the human right to water, the focus of this line refers fundamentally to aspects related to the impacts of climate events and climate change in general in the territories of the countries of the region. This particularly includes the impact on ESCERs, especially the impact on the human right to water. Next, in the section on business and human rights, the compliance of States with their international obligations in the field of human rights and business is analyzed and verified, in accordance with what emerges from the report of the Office of the Special Rapporteur and other applicable standards.

76. In the section on labor and trade union rights, the REDESCA analyses the situation of different elements of the right to work or trade union rights that may be affected or violated according to the information collected. Above all, the REDESCA analyzes the implementation or not of actions that can generate a regressive effect on the guarantee of these rights. With regard to the fiscal and economic policies of States, the central purpose of the section is to analyze the management of States over their general budgets in relation to the effective guarantee of rights and the reduction of social gaps.

77. Finally, in the section on education, the REDESCA, in addition to analyzing and focusing on the aspects on the full guarantee of the right to education, also takes note of the facts associated with the guarantees of the right to academic freedom and aspects related to university autonomy. Finally, in relation to human mobility and ESCERs, the section focuses on how situations of human mobility impact the ESCERs of people who are in such a context, as well as the underlying reasons that produce these massive movements of people.

78. In addition, the REDESCA follows the line of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 3, in that measures related to the application of Economic, Social, Cultural and Environmental Rights, also in the light of inter-American regulations, are called to progressively achieve the full realization of rights. Thus, the term "progressive effectiveness" is a recognition of the fact that the full realization of all

economic, social, cultural and environmental rights in general cannot be achieved in a short period of time.¹⁹

79. For its part, as the Inter-American Court of Human Rights has indicated, there are two types of obligations that derive from ESCER: those of immediate enforceability, such as non-discrimination and those of progressive realization. Regarding the latter, the progressive development of ESCER cannot be achieved in a short period of time, but requires the effective implementation of actions to achieve the full enjoyment of these rights. In this logic, the Court established that the obligation of progressive realization of ESCER prohibits the inactivity of the State in its task of implementing actions for the effective protection of these rights, especially in those matters where the total absence of State protection places people before the imminence of suffering harm to their life or personal integrity.²⁰

80. In this sense, since the ESCERs are embodied in both the Charter of the Organization of American States and the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and its Protocol of San Salvador – among other normative instruments and specific human rights treaties of the inter-American system – the characteristic of "progressivity" of the ESCER should in no way result in an excuse to consider that the ESCERs they are rights less rooted in human dignity or in the same inter-American instruments than civil or political rights. On the contrary, the universality, indivisibility, interdependence and interrelation of all human rights increasingly appear as central elements in ensuring their effective protection, as well as the preservation of democracy and the rule of law in States that are truly committed to the development of their peoples and, therefore, with the fulfillment of the 2030 Agenda.

INFORMATION BY COUNTRY

1) ANTIGUA AND BARBUDA

81. With regard to the situation of Economic, Social, Cultural and Environmental Rights in Antigua and Barbuda, the REDESCA has closely monitored the challenges faced by the country with regard to the enjoyment of the right to health, in particular in the context of the COVID-19 pandemic, as well as the measures adopted by the State to address it, taking into account the fiscal and economic policies carried out. In addition, the mandate has paid particular attention to the situation relating to the climate emergency and the environment, and to the situation relating to the enjoyment of the right to education and the situation of human mobility. All these strategic lines of the mandate will be addressed below:

A. Right to Health and its Social Determinants

82. With regard to the enjoyment of the Right to Health in the particular context of the COVID-19 pandemic, the REDESCA notes that a total of 4106 confirmed cases were reported in Antigua and

¹⁹ Committee on Economic, Social, Cultural Rights (CESCR), General Comment No. 3, The nature of the obligations of States parties, fifth session, 1990.

²⁰ Inter-American Court, Case Cuscul Pivaral et al. v. Guatemala, Judgment of August 23, 2018, para. 140 et seq.

- Barbuda as of 12 November, bringing the number of deaths to 106 at that date.²¹ Regarding the number of doses of the COVID-19 vaccine applied, the REDESCA observes that, by November 16, 115,487 doses had been applied, with 54,698 people being fully vaccinated, which represents 55.86% of the total population.
83. To counteract the impacts that COVID has implied, the government of Antigua and Barbuda implemented a state of emergency in the country, which until the end of September was in force.²² In addition, another of the measures taken by the Government was the inauguration by the Ministry of Health, Welfare and Environment of the National COVID-19 Coordinating Committee, which will be the critical body responsible for the planning, coordination and successful implementation of activities related to the administration of the COVID-19 vaccine in Antigua and Barbuda.²³
84. The Office of the Special Rapporteur also notes that on April 8, Antigua and Barbuda received the first shipment of COVID-19 vaccines (24,000 doses) through the COVAX Mechanism.²⁴ Against this, the REDESCA notes that the United Nations Resident Coordinator welcomed the first delivery of COVID-19 vaccines to Antigua and Barbuda through the COVAX Facility, as it represents a further step towards the full protection of the most vulnerable.²⁵
85. Regarding vaccines, the REDESCA welcomes the initiative of the Prime Minister of Antigua and Barbuda, in requesting at the 76th ordinary session of the United Nations (UN) General Assembly, that vaccines to deal with the Covid-19 pandemic be considered a global good and that they be distributed equitably and with affordable prices, exposing in his speech the challenges generated by the pandemic and climate change.²⁶
86. Faced with this, the REDESCA recalls what was expressed in its Resolution 1/2021 on vaccines against COVID-19 within the framework of inter-American human rights obligations that international cooperation is crucial for the equitable distribution of vaccines to respond to the realities and needs of all States in the region, with special attention to those with less financial, institutional and technological capacity, so it is essential to guide efforts to facilitate the implementation of tools and mechanisms that seek to guarantee the development and production of tests, treatments and vaccines against COVID-19, such as C-TAP and COVAX.²⁷
87. Likewise, the REDESCA notes that the Minister of Foreign Affairs, International Trade and Immigration of Antigua and Barbuda, demanded at the session of the Permanent Council of the

²¹ Datosmacro, [Coronavirus crisis](#), 12 de November 2021

²² International Monetary Fund, [Policy Responses To Covid-19](#), 2 of July Feb 2021

²³ CARICOM Today, [Health Ministry establishes Covid-19 National Coordinating Committee](#), 28 January 2021

²⁴ OPS, [Antigua and Barbuda receives its first COVID-19 vaccines through the COVAX Mechanism](#), 8 April 2021

²⁵ Ibid

²⁶ TeleSur, [Antigua and Barbuda demand at the UN that vaccines be very global](#), 25 September 2021

²⁷ CIDH – REDESCA, [Resolution 1/2021 on COVID-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021

OAS to follow up on the equitable distribution of vaccines against COVID-19 a more equitable distribution of vaccines against Covid-19. For her part, the director of the Pan American Health Organization (PAHO), said that vaccination "should not be a privilege of the rich but a human right," and urged the international community to establish mechanisms that guarantee equity in access.²⁸²⁹

B. Climate Emergency and Human Right to Water

88. The REDESCA notes the establishment of the first coral nursery in Nelson's Dockyard National Park, which aims to cultivate corals crucial to reef building until they are large enough to be transplanted to the reef to increase their diversity and resilience.³⁰ The REDESCA notes that similar nurseries have helped replenish wild coral populations in other parts of the world, such as the Florida Keys, where species have declined due to bleaching events or a drastic drop in temperature in winter. The process is called coral gardening, and once you get enough, you can plant them in the actual reef system.³¹
89. Similarly, the REDESCA highlights the participation of Antigua and Barbuda in COP26 and in the climate negotiation processes as a leader on behalf of island states. In particular, the REDESCA highlights the creation of the Commission of Small Island Developing States on Climate Change and International Law that was launched within the framework of COP26 together with Tuvalu. The objective of this forum is to determine some legal issues specifically before international courts on the legal liability of the largest GHG emitters in the world vis-à-vis the countries that emit the least GHGs. In that sense, the commission will focus on requesting an opinion before the International Tribunal for the Law of the Sea (ITLOS), on the international responsibility of the highest emission countries for their emissions, marine pollution and rising sea levels.³²

C. Labor and Trade Union Rights

90. The REDESCA notes that more than 2,000 hospitality professionals from across Antigua and Barbuda, including hotel workers, tour operators and restaurant and retail employees were vaccinated in March 2021.³³

D. Fiscal and Economic Policies

91. With regard to fiscal and economic policies adopted by Antigua and Barbuda, the REDESCA notes that the pandemic has led to a greater accumulation of internal and external arrears and has drastically increased public debt and gross financing needs. Given this, the Government has

²⁸ TeleSur, [Antigua and Barbuda calls for equitable sharing of Covid-19 vaccines](#), 22 July 2021

²⁹ Ibid

³⁰ Observer, [How a pioneering coral nursery could help protect Antigua's reef](#), February 24, 2021

³¹ Ibid

³² UN Sustainable Development Group, [COP26: Major polluting countries face legal action from small island states over rising sea levels](#), 17 of November Feb 2021

³³ Caribbean news digital, [Antigua and Barbuda begins vaccination of tourism workers](#), 17 March 2021

embarked on an economic plan focused on a Medium-Term Fiscal Strategy that seeks to restore debt sustainability and gradually resolve outstanding internal and external arrears; prioritize policies that address COVID-19 and improve health care delivery; protect the vulnerable; and creating the conditions for sustainable growth and job creation.³⁴

E. Education, science, technology: academic freedom and university autonomy

92. With regard to the impact of the Covid-19 pandemic, the REDESCA takes note of the closure of educational centers of all levels, which forced students to continue their lessons on virtual platforms, but in many homes, those in charge of children have shown their dismay at this situation due to the difficulty of matching their work and other tasks with virtual classes.³⁵
93. Regarding the face-to-face modality of classes, the REDESCA notes that the Government of Antigua and Barbuda prohibited unvaccinated students from attending face-to-face classes, as the deadline of November 10 for those over 12 years of age to be immunized is met. Faced with this, REDSCA notes that groups of parents have expressed concern about what would happen to these students, so the Government has chosen to offer the option of distance education.³⁶³⁷
94. In this regard, the REDESCA recalls what was stated in Resolution 1/2020, which establishes that States must have mechanisms that allow children and adolescents to continue with access to education and with the stimuli that their age and level of development require.³⁸
95. REDESCA takes note of the literacy program carried out by the Department of Youth Affairs, which, according to information received, has been well received by the population benefiting from the program. The objective is to intensify efforts to boost literacy among young people in Antigua and Barbuda.³⁹ The initiative, which was established in 2016, would have benefited more than 160 students from 32 schools through 2021. However, the program would face funding challenges in order to get additional tutors.⁴⁰

F. Human Mobility and ESCER

96. The REDESCA notes that the Cabinet of Antigua and Barbuda agreed on 23 June 2021 to grant amnesty for migrants who arrived as children but are not yet regular citizens so that they can make better use of the education received. For this, the Cabinet eliminated the need for migrants to buy return tickets, also eliminating the accumulated fees. The REDESCA also notes that according to a

³⁴ IMF, [Executive Board Concludes 2021 Article IV Consultation with Antigua and Barbuda](#), 12 of August Feb 2021

³⁵ Observer, [Working parents share their struggles coping with the burden of remote learning](#), 25 of February Feb 2021

³⁶ The Universe, [The Caribbean island of Antigua prohibits unvaccinated against COVID-19 from attending face-to-face classes](#), November 13, 2021

³⁷ Ibid

³⁸ CIDH – REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

³⁹ Observer, [Parents laud Dep't of Youth Affairs' literacy program](#), 23 of February Feb 2021

⁴⁰ Observer, [Parents laud Dep't of Youth Affairs' literacy program](#), 23 of February Feb 2021

2015 study by the United Nations International Organization for Migration, regular and irregular migrants were estimated to constitute 30 per cent of Antigua and Barbuda's population, which is just under 100,000 people.⁴¹

⁴¹Loop, [Antigua creates pathway to citizenship for undocumented child migrants](#), 24 of June Feb 2021

2) ARGENTINA

97. In follow-up to the strategic lines of action of the REDESCA, the mandate has carefully monitored the challenges that have arisen throughout this year in Argentina regarding the right to health and its social determinants, paying special attention to the response of the health system regarding the pandemic. The REDESCA has also monitored the complex situation related to the right to a healthy environment and the climatic emergency conditions that the country is experiencing, particularly in terms of access to water. In addition, the Office of the Special Rapporteur has monitored the impacts of business activity and human mobility on various ESCERS, also monitoring the enjoyment of labor and trade union rights of the population. On the other hand, the REDESCA has taken note of the educational conditions in Argentina, as well as the fiscal and economic policies that have been adopted in relation to ESCER. Each of these topics is then developed in detail.

A. Right to Health and its Social Determinants

98. Regarding the impact that the COVID-19 pandemic has brought with respect to the enjoyment of the right to health in Argentina, the REDESCA notes that since the outbreak of this pandemic, the country has registered more than 5,200,000 infections until October, exceeding 115,000 people who died.⁴²

99. In this context, the REDESCA has observed with concern a series of events related to the difficulties of citizens to access medical care as a result of their effects by COVID-19. On the one hand, information has been collected on cases of people who, in the course of the disease, did not find beds available in hospitals or health centers both in intensive care units (ICUs) and in common rooms, as well as cases of people who attended health centers and waited in the corridors for the allocation of a bed. This situation spread widely throughout the country with similar events occurring in the provinces of Neuquén, San Luis and Santa Fe that, in some cases, have culminated in the death of people.⁴³⁴⁴⁴⁵

100. On the other hand, the REDESCA has received information regarding complaints about deficiencies in medical care and treatment provided to people with COVID-19 and in the absence of information to both patients and family members regarding the evolution of the diagnosis. A case that occurred in the province of Córdoba reveals such a scenario when a nursing student reported on social networks that she did not receive adequate medical attention given her condition as a positive COVID-19 patient with comorbidity. In this regard, the existence of obstacles that violate access to health services, the right to professional care, or to receive and access information in a

⁴² Argentine Government, [Epidemiological information](#), October 28, 2021; VID [Integrated Newsletter of Oversight](#), No. 572, p. 23

⁴³ Minute One, ["They're letting my dad die": the drama of a family that can't find an ICU bed](#), May 23, 2021

⁴⁴ The Nation, [St. Louis: Died of coronavirus at the door of a hospital when he went to get help](#), May 23, 2021

⁴⁵ CNN [Sanitary collapse in Santa Fe, Argentina: a young woman died who had to wait on the floor before being treated](#), May 25, 2021

- timely, complete, and clear manner, seriously concerns this Office of the Special Rapporteur, since it prevents it from guaranteeing the rights of people who require health and care services.⁴⁶
101. Given these facts, the REDESCA recalls that health is a public good that must be protected, being a human right that corresponds to the enjoyment of other rights. Likewise, this right includes timely and appropriate health care, as well as the essential and interrelated elements of availability, accessibility, acceptability and quality of health services, goods and facilities, including medicines and the benefits of scientific progress in this area, under conditions of equality and non-discrimination.⁴⁷
102. With regard to the measures adopted by the Argentine Republic in response to the pandemic, the REDESCA notes that within the framework of the public health emergency declared by National Law 27,541, the National Executive Branch carried out different measures in defense of the people most affected by the pandemic.⁴⁸ In this sense, it extended by means of a Decree of Necessity and Urgency (DNU) the prohibition of dismissals and suspensions of workers until December 31 of this year. On the other hand, the National Government signed the inter-ministerial resolution that launches the so-called "Strategic Plan for Comprehensive Health in the Federal Penitentiary Service 2021-2023", a program whose main objective is to guarantee the right to health and primary care of persons deprived of liberty, both during their stay in prison and at the time of their discharge.⁴⁹
103. Continuing with regard to the measures adopted by the government, the REDESCA notes that one of the first was the closure of provincial borders to contain the spread of the disease, causing thousands of people to be affected due to not being able to return to their homes, reunite with their families or assist sick relatives. This blockade not only affected the provincial borders but also the cities of Formosa where there was community circulation of the virus. This was the case of the city of Clorinda, which until March 2021 was under a sanitary blockade, making it impossible for its inhabitants to access adequate health services.⁵⁰
104. In light of these measures taken, the REDESCA expresses its concern about the particular situation in Formosa, where, according to Human Rights Watch, the government of the province of Formosa has used frequently abusive and unhealthy measures to prevent the spread of COVID-19. The provincial authorities also reportedly restricted the work of the independent press to cover the situation in the province, used excessive force against those protesting COVID-19-related measures and, for months, severely limited the ability of the population of the city of Clorinda to move and access medical care. In addition to the above, the REDESCA has received information on complaints of violence and persecution at the hands of the security forces in the face of citizen complaints about the sanitary and blockade measures put in place, as well as the unsanitary

⁴⁶ The voice [Río Cuarto: a nursing student who claimed that she was being "left to die" died of Covid-19](#), 07 June 2021

⁴⁷ IACHR, [Pandemic and Human Rights in the Americas. Resolution No. 1/2020](#), April 10, 2020

⁴⁸ Telam, [The ban on dismissals and suspensions is extended until 31 December](#), June 26, 2021

⁴⁹ Argentina.gov.ar, [Health and Justice launched the Comprehensive Strategic Health Plan in the Federal Penitentiary Service for 2021-2023](#), June 29, 2021

⁵⁰ Government [Argentina, what measures is the government taking?](#), August 2, 2020

- conditions of the isolation centers. Given this, ⁵¹⁵²the IACHR called on the State of Argentina to respect the right to protest, recalling that the use of force must be considered as a last resort, within the framework of exceptionality, justified only under the principles of legality, and absolute necessity and proportionality. In this sense, the REDESCA became aware of the case of Mauro Ledesma who, in order to reunite with his daughter, decided to evade the police blockade on the provincial border by swimming across the Bermejo River and dying of drowning.⁵³⁵⁴
105. Likewise, the REDESCA takes note of another measure adopted by the government of Formosa; the creation of isolation centers so that people detected COVID-19 positive and those close contacts could be housed and monitored. Faced with this situation, different complaints were registered in relation to the "excessive use" of the mandatory quarantines in the isolation centers and the "inhumane conditions" in which these isolation centers kept the people who were there; these events motivated the intervention of Representatives of the United Nations System who held a meeting with government and civil society representatives.⁵⁵⁵⁶⁵⁷
106. On the other hand, the Office of the Special Rapporteur on ESCER learned about the difficulties that indigenous populations in Formosa must face, such as lack of access to health, drinking water, and essential services such as electricity, which have worsened as a result of the pandemic.⁵⁸ The health service centers do not have the necessary equipment to deal with the pandemic, nor did they provide a culturally appropriate service.⁵⁹ For his part, the Attorney General of the Judiciary of Formosa said that the journalistic note denouncing what happened was "fake news". Faced with this situation, in April 2021, the IACHR granted precautionary measures in favor of seven indigenous women from the Wichi community.⁶⁰ In this regard, REDESCA emphasizes that the precautionary measure was lifted on July 11, since the Commission considered in its Resolution that: "(...) the factual framework that gave rise to the present precautionary measures has been substantially modified, and at this time, for the Commission, it is not possible to identify concrete

⁵¹ Human Rights Watch, [Argentina: Formosa adopts abusive measures in its response to Covid-19](#), 26 March 2021

⁵² Center for Legal and Social Studies (CELS), [Repression in Formosa](#), 05 March 2021; Infobae, ["They arrested in Formosa the councilors who had denounced Gildo Insfrán for the inhumane conditions in the isolation centers"](#), 21 January 2021

⁵³ Monitor, [IACHR Calls on the Argentine State to Respect the Right to Protest After the Events in Formosa](#), 6 March 2021

⁵⁴ Ambit [He drowned while trying to cross a river to see his daughter, following coronavirus restrictions](#), October 19, 2020.

⁵⁵ Swiss Info, [AI denounces "excessive use" of quarantines in argentina's Formosa province](#) January 21, 2021.

⁵⁶ Infobae, ["They denounced overcrowding and 'inhumane conditions' in a coronavirus care center in Formosa: what they explained from the provincial government"](#), 19 January 2021

⁵⁷ Chronicle [After a meeting of representatives, Formosa and the UN are already working together on the 2020-2030 sustainable agenda](#), April 22, 2021

⁵⁸ Center for Legal and Social Studies (CELS), [Indigenous communities: inequalities deepened during the pandemic](#), 12 February 2021

⁵⁹ Argenfor, [Attorney General López: "It was evident that the TN report was a lie"](#), April 5, 2021

⁶⁰ IACHR. Beef. 32/2021. 16 April 2021. http://www.oas.org/es/cidh/decisiones/mc/2021/res_32-21_mc_216-21_ar_es.pdf.

and current information that allows supporting the validity of the regulatory requirements in the terms of Article 25 of the Rules of Procedure".⁶¹

107. Turning now to the inoculation process against SARS-COV2 of the Argentine population, the REDESCA notes that at the end of 2020 the country received the first batch of vaccines against the coronavirus. Since then, the Office of the Special Rapporteur has contemplated a sustained increase in arrivals in the country of doses against COVID-19, becoming one of the countries with the highest inoculation rates in the region. In relation to this, the National Government activated a digital platform where you can consult in real time the vaccines against COVID-19 by provinces and in the country. During the first stage of vaccination of the population, it has been known by the REDESCA that high-ranking officials, from the world of politics or business would have been inoculated in the first place without being considered priority groups, contrary to the national vaccination plan in force in the country, as well as the recommendations made by the IACHR and this Rapporteurship in Resolution 1/2021.^{62,63,64}

108. In this regard, REDESCA notes that the State informed that the vaccines are provided by the National State for all persons who are part of the defined target population, regardless of health coverage and nationality. To that extent, the mechanisms for acquiring the doses have been several: state-state procurement contract, COVAX mechanism, and donations. In addition, it was indicated that vaccination is carried out in stages, on a voluntary basis, and independently of the history of having had the disease.⁶⁵ Therefore, it is important to emphasize that, although the 24 jurisdictions are the ones that implement the vaccination actions, general guidelines are established at the national level for the strategies that favor access to vaccination, some of which are: the training of vaccinators, providing a response to the most vulnerable groups, such as street people, popular neighborhoods, and native peoples. Likewise, the State informed that a vaccinator's office was organized at the national level to favor access to these residents in the City of Buenos Aires and the surrounding Metropolitan Area, who could not access the established appointment system.⁶⁶

109. In this regard, with respect to the mechanisms to establish the prioritization of doses, REDESCA welcomes the fact that the State has considered a bioethical framework based on the principles of equality and dignity of rights, equity, social benefit, and reciprocity. The prioritization of the populations to be vaccinated in the different stages also contemplates criteria established according to the risk of developing severe disease and complications from COVID-19, the probability of greater exposure to the virus, the need to mitigate the impact of COVID-19 on

⁶¹ IACHR, Precautionary Measures Lifting Resolution No. 50/2021 Precautionary Measure No. 216-21, 11 of July 2021, parr. 52

⁶² CNN Español, Covid-19 in Latin America: This is how vaccination rates are going by country, August 16, 2021

⁶³ Official Site: <https://www.argentina.gob.ar/coronavirus/vacuna/aplicadas>

⁶⁴ EFE Agency, The scandal of the "VIP vaccination" grows in Argentina and reaches the Justice, 20 February 2021

⁶⁵ Government of the Argentine Republic, Report No. IF-2021-86027477-APN-UGA#MS, REDESCA Request Information, Note No. OAS 188, September 14, 2021.

⁶⁶ Government of the Argentine Republic, Report No. IF-2021-86027477-APN-UGA#MS, REDESCA Request Information, Note No. OAS 188, September 14, 2021.

socioeconomic activities and the possibility of influencing the chain of transmission.⁶⁷ In addition, REDESCA appreciates that the State has implemented differentiated criteria for people in vulnerable situations such as people living in poor neighborhoods, people living on the streets, as well as Indigenous peoples, people deprived of liberty, people in a situation of human mobility, and university professors.⁶⁸ Likewise, the National Ministry of Health, in accordance with the recommendation of the National Immunization Commission (CoNaIn), has made available as of September a single-dose vaccine to immunize populations with greater vulnerability and difficult access, particularly physical access due to geographical distance or access due to their living conditions, such as people living on the streets and the mobile population.⁶⁹

110. On the other hand, the REDESCA is aware of the efforts carried out by Argentina, in a cooperation agreement concluded with the government of Russia, for the production of the two components of the Sputnik-V vaccine. However, there are still serious difficulties for people to complete the vaccination schedule provided by the authorities. Faced with this situation, the National Government will begin to use vaccines from the AstraZeneca and Moderna laboratories as second doses to complete the immunization against COVID-19 of those who have received Sputnik-V. With regard to vaccination in children, the REDESCA notes that the Argentine Government and the National Administration of Drugs, Food and Medical Technology (ANMAT) approved the use of the Sinopharm vaccine in the population between 3 and 11 years old. However, the Argentine Society of Pediatrics, although it recommended ⁷⁰⁷¹⁷²⁷³ vaccination in children with comorbidities, hopes to access in the coming days the scientific evidence that has allowed the ANMAT to authorize the Ministry of Health of the Nation the use of the vaccine to inactivated virus Sinopharm. The REDESCA received information about the meeting that was held on this subject, in which the Argentine Society of Pediatrics ended up endorsing the use of Sinopharm vaccines in children under 11 years of age after consulting several reports. In this way, vaccination with Sinopharm will begin first among children with pre-existing diseases and the Government's intention is "to be able to vaccinate in schools", thus building a bridge between health and education.⁷⁴⁷⁵

⁶⁷ Government of the Argentine Republic, Report No. IF-2021-86027477-APN-UGA#MS, REDESCA Request Information, Note No. OAS 188, September 14, 2021.

⁶⁸ Government of the Argentine Republic, Report No. IF-2021-86027477-APN-UGA#MS, REDESCA Request Information, Note No. OAS 188, September 14, 2021.

⁶⁹ Government of the Argentine Republic, Report No. IF-2021-86027477-APN-UGA#MS, REDESCA Request Information, Note No. OAS 188, September 14, 2021.

⁷⁰ Argentina.gob.ar, [Alberto Fernández and Vladimir Putin announced the start of production of the Sputnik V vaccine in Argentina](#), 04 June 2021

⁷¹ Clarin [Sputnik V: there are vaccinated people who have been waiting for the second dose for 4 months](#), 02 August 2021

⁷² Infobae, [What will be the combinations of doses that can be used to complete the vaccination schedule in Argentina](#), 04 August 2021

⁷³ Televisa.news, [Argentina will vaccinate children from 3 years old against covid](#), October 3, 2021

⁷⁴ Tandil's diary, [The Argentine Society of Pediatrics asked for scientific evidence to support the use of Sinopharm](#), October 3, 2021

⁷⁵ The newspaper of Mexico, [Argentina starts vaccination with Sinopharm in children between 3 and 11 years old](#), 7 October 2021

111. Regarding the acquisition of vaccines, REDESCA takes into account that the Board of Directors of the World Bank approved a loan for 500 million US dollars to strengthen the fight against the pandemic through the purchase of vaccines for more than 30% of the population. Likewise, REDESCA notes ⁷⁶that more than 1.1 million Sinopharm vaccines arrived in the country while it will receive more than 1.6 million Pfizer, intended for adolescents and second doses, with which Argentina will have almost 72 million vaccines from the beginning of immunization, official sources reported.⁷⁷
112. Likewise, with regard to vaccine production, the Office of the Special Rapporteur on ESCER received information that in an initiative that seeks to reduce dependence on foreign supplies and pave the way for more equitable immunization throughout the region, the Pan American Health Organization selected Argentina as one of the countries to create two development centers in order to increase vaccine production and reduce gaps in access to them.⁷⁸
113. In this regard, the REDESCA takes note of the information received about a team of scientists from the Leloir Institute Foundation (FIL) and the National Council for Scientific and Technical Research (CONICET) that developed a vaccine, which would be able to neutralize the delta (identified in India), alpha (in the United Kingdom) and gamma (in Brazil) variants of COVID-19 circulating in Argentina. This is the CoroVaxG vaccine. 3, whose preclinical studies in laboratory animals showed that a single dose generates an immune response of antibodies and memory cells against the coronavirus for at least five months.⁷⁹
114. Regarding the situation of health personnel in Argentina, REDESCA recognizes the efforts made by the national government in favor of the care of health personnel during the most critical months of contagions and hospitalizations and sees as a positive fact the recent bill for the promotion of the training and development of nurses sent to the Legislative Power, which in its 1st article as Object states that: "The purpose of this law is to establish the necessary mechanisms to favor the quality training of nurses, increase the number of nurses and promote the development of nursing in the entire national territory".⁸⁰ However, the Office of the Special Rapporteur is concerned about the situation of health workers throughout the country, who denounced the precariousness of their activity, affecting 85% of the staff in some jurisdictions. They also complained about the lack of medicines and supplies, which would have increased as a result of the pandemic.⁸¹⁸²
115. On the other hand, REDESCA takes note of the creation of a free telephone line (0800 mental health) that was established at the beginning of the pandemic to provide telephone assistance to

⁷⁶ Chronicle [Argentina receives \\$50 million in credit to buy vaccines: which ones are left out of agreement](#), October 1, 2021

⁷⁷ Ambit [More than 1.1 million vaccines arrived and Argentina almost reaches 72 million doses](#), 4 October 2021

⁷⁸ Ambit [WHO chose an Argentine company to develop and produce vaccines against Covid-19](#), 21 September 2021

⁷⁹ The Nation, [A single-dose vaccine developed in Argentina was able to neutralize the delta variant of Covid in preclinical studies](#), October 1, 2021

⁸⁰ Government of the Argentine Republic, Note No. 2022-50189421-APN-SSPYEIDH#MJ, May 19, 2022; Minute One, [Alberto Fernández presented a bill to rank nurses: "They are not administrative employees"](#), June 18, 2021

⁸¹ Infobae, [LHealth professionals installed a sanitary tent in Congress in demand for improvements for the sector](#), August 12, 2021

⁸² News [Health alarm due to the lack of medicines](#), 30 May 2021

health professionals. At the same time, it also highlights the granting of a special bonus for health workers, as well as the power for these people to enjoy the special leaves of absence contemplated in the Argentine jurisprudence.⁸³ During the months of greatest infections and hospitalizations, the Office of the Special Rapporteur was aware of the claims of exhaustion of health professionals in both Córdoba and Mendoza, as well as the report issued by the Argentine Society of Intensive Care, revealing that, during the months of higher admissions of sick people to health centers, 88% of intensive care health personnel such as intensivists doctors, specialized nurses, traumatologists, anesthesiologists, among other specialists already showed signs of exhaustion and fatigue.⁸⁴⁸⁵⁸⁶

116. In this regard, the REDESCA reminds the State that it must ensure the availability and timely provision of sufficient amounts of biosecurity material, supplies and essential medical supplements for the use of health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources aimed at dealing with this type of health emergency situation.⁸⁷

117. With regard to the enjoyment of the right to health by persons deprived of their liberty, the REDESCA has noted with concern the situation they face in different provinces of the country. In the case of the province of Buenos Aires, the Provincial Commission for Memory denounced overpopulation and extreme overcrowding that prevented social distancing, as well as the lack of sanitation and hygiene elements, non-compliance with health protocols, poor access to health, low testing rates and the lack of vaccination of the population at risk. Likewise, the Office of the Special Rapporteur has observed with special concern the advance of the coronavirus in the women's prison Number 5 in the city of Rosario, province of Santa Fe, where an outbreak of COVID-19 broke out with 30 inmates infected and at least one person died.⁸⁸⁸⁹ In view of the above, the REDESCA reaffirms the need for States to adapt the conditions of detention of persons deprived of their liberty, especially with regard to food, health, sanitation and quarantine measures to prevent COVID-19 infections, as well as the need for them to be included as a priority in national vaccination plans.

118. In addition to the effects caused as a result of the pandemic in the country, the REDESCA has become aware of various situations related to the enjoyment of the right to health as such. In this sense, it looks with concern at the situation in different provinces of Argentina regarding the

⁸³ Government of the Argentine Republic, Note No. 2022-50189421-APN-SSPYEIDH#MJ, 19 of May 2022

⁸⁴ Infobae, [Medical exhaustion in Argentina, on the verge of 100,000 deaths from covid-19](#), 06 July 2021

⁸⁵ The Nation, [Coronavirus in Mendoza: "We are on the verge of collapse and very tired", denounce doctors](#), April 20, 2021

⁸⁶ Infobae, [88% of doctors and nurses who assist COVID-19 patients in therapy have symptoms of exhaustion](#), June 17, 2021

⁸⁷ IACHR, [Pandemic and Human Rights in the Americas. Resolution No. 1/2020](#), April 10, 2020

⁸⁸ The Nation, [Coronavirus in prisons: vaccination plans for prisoners called for](#), April 22, 2021

⁸⁹ Red Harvest, [No visits for a year and no vaccinations: the outbreak in Rosario's women's prison](#), June 25, 2021

implementation of the law of voluntary interruption of pregnancy, sanctioned at the end of 2020, as is the case of the province of Chaco, Buenos Aires and Córdoba.⁹⁰⁹²

119. On the other hand, the REDESCA also had information on the inequalities that exist throughout the extension of Argentina in relation to access to both public and private health systems. Social and geographical gaps have turned out to be conditioning factors when receiving medical care not only in health centers under control and public administration but also in the private system depending on the prepaid or social work that is possessed.⁹³
120. Given the aforementioned panorama regarding access to health, the REDESCA recalls that in line with its Resolution 1/2020, the objective of all policies and measures adopted must be based on a human rights approach that contemplates universality and inalienability; indivisibility; interdependence and interrelation of all human rights; equality and non-discrimination; the gender, diversity and intersectionality perspective; inclusion; accountability; respect for the rule of law and strengthening cooperation between States.⁹⁴
121. With regard to mental health, the REDESCA notes that the Ministry of Health of the Nation presented the National Mental Health Plan, prepared with the technical support of the Pan American Health Organization, whose objective is to strengthen the approach to mental health.⁹⁵ On the subject, REDESCA expresses its concern about the conclusions of the report "State of the World's Children 2021" of UNICEF in which it was warned that adolescents were for the most part emotionally affected by the coronavirus pandemic and that these effects on the mental health of children and adolescents could last for many years, having registered in Argentina the feeling of anguish reaches 33% of children.⁹⁶ On the other hand, with regard to sexual and reproductive rights, the Office of the Special Rapporteur welcomes the approval of Law 27.610 on the voluntary interruption of pregnancy. Article 1 of the law states that the purpose of the law is to regulate access to voluntary interruption of pregnancy and post-abortion care, in compliance with the commitments assumed by the Argentine State in the area of public health and human rights.⁹⁷
122. With the right to housing being one of the determinants of good health, the REDESCA has closely followed and expressed its concern about the eviction situation that occurred in Barrio 31 of the city of Buenos Aires. In this sense, information was received about what happened on September 30, 2021, where police officers of the City evicted the property called "La Containera", where three months ago around 100 families lived, most of them made up of women who suffer from gender

⁹⁰ France 24, [Abortion Law Enforcement Suspended in Argentine Province](#), 29 January 2021

⁹¹ Clarin [Legal abortion: a judge in Mar del Plata ordered the suspension of the application of the IVE law and the Government announced that it will appeal](#), 06 June 2021

⁹² The Nation, [Amparos: the Attorney General's Office of Córdoba requested that the application of legal abortion be suspended](#), August 12, 2021

⁹³ The Diario Ar, [Social and geographical gap and a strong management deficit: why the health system is "fragmented" in Argentina](#), July 10, 2021

⁹⁴ IACHR, [Pandemic and Human Rights in the Americas. Resolution No. 1/2020](#), April 10, 2020

⁹⁵ PAHO [Argentina presents new National Mental Health Plan together with PAHO](#), 7 October 2021

⁹⁶ Unidiversity, [Adolescents were the most emotionally affected by the pandemic](#), 7 October 2021

⁹⁷ Government of Argentina, Official Gazette of the Argentine Republic, ACCESS TO VOLUNTARY INTERRUPTION OF PREGNANCY: Law 27610, January 15, 2021.

- violence who are called "The Women's Force". The REDESCA takes note of what was expressed by several people who were in their homes in the 31st neighborhood, who expressed that the eviction would have been carried out violently without following safety protocols starting fires without taking into account what was inside the houses. They also expressed concern about the housing emergency in which the evicted families would find themselves, especially due to the situation of children.⁹⁸⁹⁹¹⁰⁰
123. Likewise, the REDESCA takes note of the complaint to the Controversial criminal prosecutor's Office and Misdemeanors 11 made by the Center for Legal and Social Studies (CELS) indicating that the use of police force put at risk the physical integrity of the people who were in the place. In addition, it was mentioned that the operation was carried out violently, without giving time to remove the belongings of first necessity, destroying the houses. In this regard, according to information received by the Office of the Special Rapporteur on ESCER, several women stated that police officers aimed shotguns at their children during the operation. The REDESCA takes note of the complaint made by CELS which mentions the non-compliance with different rules governing the carrying out of an eviction operation to reduce risks, in particular ¹⁰¹against women, children and older adults, such as General Comment 4 and 7 of the ESCR Committee, or even the Protocol of action in cases of usurpation of the Public Prosecutor's Office of 2008, with the adjustments indicated by the Public Ministry of Defense and the Ombudsman's Office, both of CABA". ¹⁰² In this context, the REDESCA notes that, according to the government of Buenos Aires, it is planned to build a school with initial and primary level on this occupied land that would have the capacity to attend around 210 students.¹⁰³
124. On the other hand, the REDESCA takes note of the poverty rate in Argentina, which stood at 40.6% in the first half of the year, with a growth in the number of people who face daily problems to meet their basic food needs. According to a report released Thursday by the National Institute of Statistics and Censuses (Indec), the urban poverty rate registered between January and June was 1.4 points below that of the second half of 2020. The REDESCA expresses its concern with the information obtained from the data provided by the National Institute of Statistics and Censuses (Indec) on the first half of 2021 about 4 out of 10 people in Argentina being poor and 1 in 10 being indigent, which shows the slow recovery of society after the COVID-19 pandemic.¹⁰⁴¹⁰⁵

⁹⁸ AM750, ["They beat the boys": dramatic account of the women evicted in Villa 31 by the City Police](#), 30 September 2021

⁹⁹ Context ["The strength of women": how was the takeover that evicted the Justice and the Buenos Aires Government](#), 30 September 2021

¹⁰⁰ Eldiarioar, [100 families evicted in a settlement in Barrio 31 and CELS denounced the "disproportionate use of force."](#) September 30, 2021

¹⁰¹ New city, [Villa 31: CELS denounced the use of police force in "an operation that violated all eviction protocols"](#), 30 September 2021

¹⁰² New city, [Villa 31: CELS denounced the use of police force in "an operation that violated all eviction protocols"](#), 30 September 2021

¹⁰³ Profile [This was the eviction of 100 families who occupied a plot of land in villa 31](#), 30 September 2021

¹⁰⁴ Cooperativa.cl, [Poverty in Argentina stands at 40.6 percent: The number of homeless people grows](#), October 1, 2021

¹⁰⁵ Andl Country, [The economic crisis does not subside in Argentina: 4 out of 10 people are poor](#), 27 September 2021

B. Climate Emergency and Human Right to Water

125. By monitoring and monitoring the enjoyment of the right to a Healthy Environment, the REDESCA has observed the measures and situations related to climate emergencies and the human right to water in the country. Among the policies implemented by the State in relation to climate action, in May the Senate unanimously approved the bill that implements Comprehensive Environmental Education in all educational centers in the country. While welcoming this law as a good practice in the matter, the REDESCA takes note of the claims made by environmentalists in order to achieve the approval of a Wetlands Law that aims at the protection and preservation of these territories that play a central role in the mitigation of climate change.¹⁰⁶¹⁰⁷
126. Likewise, the REDESCA warns that it is urgent to address the worrying situation due to the downstream of the Paraná River considered the worst in the last 77 years. Agro-industrial activities together with increasing periods of drought have caused a marked decrease in the water levels of the second longest river in Latin America, generating serious consequences in the region. This has a considerable impact on the populations that are supplied with river water for personal consumption such as irrigation, livestock consumption, artisanal fishermen, rural workers, among others. In this sense, the REDESCA notes that, for its part, the Argentine Association of Environmental Lawyers has defined it as a true "environmental holocaust" product of anthropic interventions associated with the expansion of agro-industrial, livestock, forestry, river and mining extractivism. Due to the historic decline recorded by the Paraná River, on September 13 of this year the government of Buenos Aires declared a state of water emergency.¹⁰⁸¹⁰⁹¹¹⁰¹¹¹
127. Also, in the context of the water emergency and the extensive periods of drought that have hit the country, the REDESCA is concerned about the constant fires that have been generated both in the Paraná Delta and in other regions of the country. Such is the case of Potrero de Garay, province of Córdoba, where 80 houses were set on fire.¹¹²¹¹³
128. With regard to native forests, the REDESCA notes that the Argentine government executed the largest Latin American donation for their protection, signing an agreement for 82 million dollars.¹¹⁴

¹⁰⁶ Telam, [The national government enacted the Comprehensive Environmental Education Act](#), 03 June 2021

¹⁰⁷ Profile [Wetlands Law: environmentalists embark on a caravan through the Paraná to demand its sanction](#), August 12, 2021

¹⁰⁸ The Chronicler, [Downstream of the Paraná River: how much Yacyretá loses due to lack of water and what is the cost for Argentina](#), 21 July 2021

¹⁰⁹ Page 12, [The impact of the Paraná drought](#), August 22, 2021

¹¹⁰ Page 12, [They warn that the downstream of the Paraná River is an "environmental holocaust"](#), 21 July 2021

¹¹¹ TeleSur, [Water emergency declared in Argentina due to Paraná River drought](#), 13 September 2021

¹¹² Telam, [More brigadistas and boats deployed to fight forest fires in the Paraná Delta](#), 29 July 2021

¹¹³ Chain 3, Ash guard after the two fire outbreaks in Córdoba, August 19, 2021

¹¹⁴ Argentine Government, [Argentina executes largest Latin American donation to protect native forests](#), 14 September 2021

129. After the consequences that climate change is generating at a universal level, the REDESCA takes note of the mobilizations of thousands of young people in Argentina, on a day in which they demand urgent measures to stop this phenomenon.¹¹⁵
130. Ahead of the United Nations Climate Change Conference, COP26, the REDESCA notes that, in Argentina, 40% of greenhouse gas emissions come from land uses, i.e. agriculture and livestock. While these activities are computed separately, deforestation and arson are directly related to the expansion of the agricultural frontier.¹¹⁶
131. In this sense, the REDESCA recalls its press release dated November 4, 2021 in which the OAS Member States are called to put the protection of human rights at the center of their climate policies and actions, mentioning that climate change poses a real human rights emergency. Likewise, the OAS member states are encouraged to put human rights and the adverse impact that climate change has on the enjoyment of these human rights at the center of their climate negotiations and decisions, in line with their obligations assumed within the inter-American system, especially for individuals and groups that are in a situation of greater vulnerability.¹¹⁷

C. Business and Human Rights

132. With regard to the linkage of business activities and their impact on the enjoyment of human rights, the REDESCA takes note of the demonstrations carried out by Mapuche communities in the province of Neuquén against the extractive activities of hydrocarbons in Vaca Muerta, which they accuse of causing an environmental disaster, which would affect the quality of life, territories, water, air and future of indigenous peoples. Additionally, in the province of Río Negro, the same original community denounced that the provincial government had granted ten search permits for the exploration of mining substances to the company Ivael Mining S.A. without having had prior information about said authorization.^{118,119}
133. Therefore, the REDESCA calls on the Argentine State to ensure respect for the right to consultation and prior, free and informed consent and the right to self-determination in cases involving the rights of indigenous peoples, with special consideration given to activities or projects for the extraction of natural resources on their lands and territories, or the design and implementation

¹¹⁵ Unidiversity, [Young people in Argentina mobilize to demand action against climate change](#), 24 September 2021

¹¹⁶ Infobae, [Reducing methane emissions, a key objective of COP26](#), 28 October 2021

¹¹⁷ IACHR, REDESCA, [In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions](#), November 4, 2021

¹¹⁸ The Diario Ar, [Environmental and union demands paralyze Vaca Muerta](#), August 11, 2021

¹¹⁹ Río Negro [Mapuche on alert, close barricades to mining searches in Río Negro](#), July 12, 2021

- of development, exploitation or economic activity plans of any other nature that imply potential effects on their rights.¹²⁰
134. The REDESCA also learns of the spill of industrial chemicals carried out by fishing companies in the Laguna de Corfo, 30 kilometers from the city of Trelew, province of Chubut. The discharge of these untreated tributaries, mainly of a highly polluting antibacterial called sodium sulfite, has come to change the color of the water of the lagoon and has caused neighbors to report nauseating odors, proliferation of insects and possible contamination of the water tables of the Chubut River, the main source of drinking water in the city and the region.¹²¹
135. In this context, the Commission and its REDESCA recall the duty of States to carry out all actions within their reach for the purpose of protecting the right to a healthy environment, not only through a formal recognition of that right, but must be accompanied by the fulfilment and effective application of its content, among them, the actions that must be demanded of companies to respect the right to a healthy environment and the fight against climate change.¹²²

D. Labor and Trade Union Rights

136. With regard to the labor and trade union rights of workers, as well as their right to social security, the REDESCA notes that a report by the Economic Commission for Latin America and the Caribbean (ECLAC), under the United Nations, revealed that in 2020 unemployment in Argentina reached 20.9% as a result of the impact that the pandemic had on the economy. Likewise, during the first quarter of 2021, the National Institute of Statistics and Censuses (INDEC) reflected in a report that the activity rate (which measures the economically active population over the total population) reached 46.3%, while the employment rate (which measures the proportion of employed people in relation to the total population) stood at 41.6%. On the other hand, unemployment fell to 10.2%, a decrease of 0.8 percentage points compared to that registered in the fourth quarter of 2020.¹²³¹²⁴
137. The REDESCA notes that the pressing unemployment situation in the country has strongly affected women. According to a report by the Institute for Training and Studies on Work and Development (CETYD-IDAES), of the National University of San Martín (UNSAM), among men the number of employed had already exceeded pre-pandemic levels, but not so for women. The report also revealed that unemployment levels were similar between men and women, but by early 2021

¹²⁰ IACHR and its REDESCA, [Business and Human Rights: Inter-American Standards](#), OEA/Ser.L./V/II, para. 414, November 1, 2019

¹²¹ DW [Lake in Argentina is dyed pink by pollution from fishing industries](#), 26 July 2021

¹²² IACHR - REDESCA, [Business and Human Rights Report: Inter-American Standards](#), November 1, 2021

¹²³ Infobae, [According to ECLAC, poverty in Argentina climbed to 38.8% and unemployment exceeded 20% due to the pandemic](#), 5 March 2021

¹²⁴ National Institute of Statistics and Censuses (INDEC), [Work and income. Vol. 5, n° 4 Labor market. Socioeconomic Rates and Indicators \(EPH\) First Quarter of 2021](#), Technical reports. Vol. 5, n° 118, June 2021

- women lagged behind. This reality is mainly due to the situation of domestic workers, in particular informal workers.¹²⁵¹²⁶
138. On the other hand, the REDESCA takes note of the situation in Santiago del Estero, a province characterized by a high rate of swallow work, where 9 rural workers were found in subhuman conditions as they slept on the floor, poorly fed, without toilets suitable for human use and did not have access to basic services such as electricity.¹²⁷
139. In this context, the REDESCA learned that various measures have been taken by the government to combat the high unemployment rates and in order to alleviate the harmful effects of the pandemic on the world of work, the REDESCA takes note, on the one hand, of the launch of the "Te Sumo" Program focused on promoting the hiring of unemployed young people by local SMEs who will benefit from reducing employer contributions. and the financial support of the State for the payment of salaries during the first 12 months. On the other hand, the Office of the Special Rapporteur welcomes the measure issued by the National Executive Branch that extended by means of a Decree of Necessity and Urgency the prohibition of dismissals and suspensions until December 31, 2021.¹²⁸¹²⁹
140. With regard to unemployment, REDESCA received information and welcomes the fact that, according to the National Institute of Statistics, the unemployment rate in the country during the second quarter of 2021 decreased by 3.5% compared to the 2020 period.¹³⁰
141. Likewise, the REDESCA highlights as a fundamental advance in the recognition of fundamental rights the new law Promotion of Access to Formal Employment for Transvestite, Transsexual and Transgender People. This law establishes that the State must guarantee that trans people occupy 1% of the labor quota, and creates various incentives for companies to implement it as recommended by the Report Trans and Gender Diverse People and their economic, social, cultural and environmental rights. In this regard, it is important to recall that the Inter-American Court of Human Rights has pointed out that the principle of non-discrimination in the field of labor law is of special relevance, since the very nature of this branch of law is based on the protection of workers as the most vulnerable parties in the unequal relationship with the employer. The REDESCA also recalls that one of the primary measures for the protection of trans and gender

¹²⁵ Institute for Training and Studies on Work and Development (CETYD-IDAES and National University of San Martín (UNSAM), "[A recovery with men inside: Crisis of work in private homes, crisis of female employment](#)", July 2021

¹²⁶ The Diario Ar, "[The pandemic hit jobs with more women](#)", 09 July 2021

¹²⁷ No Gag, "[Enslaved laborers in the north: forced labor and days without food](#)", 16 July 2021

¹²⁸ The Economist, "[The Government launched Te Sumo Programme: employment for 50.000 young people in SMEs](#)", 28 July 2021

¹²⁹ Telam, "[The ban on dismissals and suspensions is extended until 31 December](#)", June 26, 2021

¹³⁰ TeleSurty, "[Unemployment rate decreases in Argentina in the second quarter](#)", 23 September 2021

diverse persons in relation to their right to work is the promulgation of regulations that explicitly prohibit discrimination based on gender identity and gender expression.¹³¹¹³²¹³³¹³⁴

E. Fiscal and Economic Policies

142. With regard to the measures taken in terms of fiscal and economic policies in the context of the COVID-19 pandemic, the REDESCA notes that during the first months of 2021 economic policy was focused on three axes: assistance to the social and productive sectors most affected by the COVID-19 crisis, the restructuring of public debt and the maintenance of exchange rate stability. Likewise, in the aforementioned period, the national Government made a transition towards policies with a greater degree of focus on the sectors most affected by the crisis and with a greater orientation towards the generation of employment.¹³⁵

143. In this line, the Argentine government announced in the first half of this year the measures that would be taken. First, they have provided increased spending in the area of health, including for improvements in COVID-19 diagnosis, purchases of vaccines and hospital equipment, in addition to the construction of clinics and hospitals.¹³⁶

144. In addition, with regard to fiscal policies geared towards working people, the REDESCA notes that support was provided to workers and vulnerable groups, including through increased transfers to poor families, social security benefits, unemployment benefits and payment to minimum wage workers. In this regard, support was also provided to the most affected sectors, including the reduction of social security contributions, subsidies to cover payroll costs and subsidized loans for construction-related activities.¹³⁷

145. The Office of the Special Rapporteur also observes that other measures adopted in relation to public and fiscal policies in 2021 were the 50% increase in the amounts transferred from the Alimentar program and the expansion of its coverage. Bonuses were also granted to the lowest retirees to compensate for the loss of purchasing power in the previous months; in June, a bonus was granted to the beneficiaries of the Empower Work program; the amount of the Progresar Scholarship for the completion of studies was extended and increased, and the Manuel Belgrano Scholarships were launched for undergraduate and undergraduate studies in areas of public policy considered key to economic development.¹³⁸

¹³¹ Infobae, [The Senate approved the transvestite, transgender and transsexual labor quota law](#), June 24, 2021

¹³² IACHR, [Report on Trans and Gender Diverse People, and their Economic, Social, Cultural and Environmental Rights](#), OEA/Ser.L/V/II, August 7, 2020

¹³³ Inter-American Court. Legal Status and Rights of Undocumented Migrants. [Advisory Opinion OC-18/03 of 17 September 2003](#). Series A No. 18, para. 149.

¹³⁴ OAS/IACHR, [Report on Trans and Gender Diverse People and their Economic, Social, Cultural and Environmental Rights](#), August 7, 2020

¹³⁵ ECLAC, [Economic Survey of Latin America and the Caribbean](#), 2021

¹³⁶ MFI, [POLICY RESPONSES TO COVID-19](#), July 2, 2021

¹³⁷ MFI, [POLICY RESPONSES TO COVID-19](#), July 2, 2021

¹³⁸ ECLAC, [Economic Survey of Latin America and the Caribbean](#), 2021

F. Education, science, technology: academic freedom and university autonomy

146. Regarding the guarantee of the right to education, the REDESCA was aware that face-to-face attendance in schools was suspended throughout 2020. According to the Ministry of Education of the Nation, the closure of schools due to the pandemic harmed one million children and adolescents. In February 2021, once the inoculation programs in the at-risk population and essential sector had begun, the first gradual reopening of state and privately run schools in different provinces began.¹³⁹¹⁴⁰
147. On the other hand, the REDESCA takes note of a report published by the Civil Association for Equality and Justice and the Article 24 Group for Inclusive Education reveals the situation of inclusive education in the country based on public data. In this sense, they show that, although more and more girls and boys with disabilities attend regular school, there are still many segregated in special schools and that large debts persist for them to learn, participate and progress on an equal footing.¹⁴¹
148. According to information received by REDESCA, the Ministry of Sports of the Nation, through the Undersecretariat of Integral Development of Sport, continues with the work of the Argentine Sports Schools (EDA), a program whose objective is to favor access to spaces for initiation and sports development through a training process of teaching and improvement of sport in children, girls and adolescents.¹⁴²
149. With regard to teachers' salaries, the REDESCA notes that in September it was decided to incorporate a 12 per cent increase in March salaries into the previously agreed joint agreement. The Minister of Education and the unions that make up the University Guild Front agreed in parity a total annual salary increase of 47%.¹⁴³
150. In the context of the COVID-19 pandemic, the REDESCA expresses its concern since the Ministry of National Education indicated that about two million students, mostly secondary students, have problems of school connection and possible abandonment for pedagogical, technological and personal reasons. As for face-to-face attendance at universities, the Argentine government eliminated the mandatory distancing in classrooms and transferred to the houses of higher studies the decision on how to hold classes¹⁴⁴.¹⁴⁵

¹³⁹ The Nation, [Educational crisis. The learning of 640,000 students is on hold](#), 03 April 2021

¹⁴⁰ The Counter, [Argentina begins to reopen schools after almost a year closed](#), 17 February 2021

¹⁴¹ ACIJ, [What is the situation of inclusive education in Argentina?](#), 02 August 2021

¹⁴² Argentine Government, [The Argentine Sports Schools do not stop their march](#), 20 September 2021

¹⁴³ The Capital, [The parity of university professors rises to 47%](#), September 14, 2021.

¹⁴⁴ Mendoza Post, [In pandemic, repetition and school dropout rose by almost two points](#), 14 September 2021

¹⁴⁵ Chain3, [Universities will be able to resume full face-to-face attendance](#), 8 October 2021

G. Human Mobility and ESCER

151. With respect to human mobility and its impact on ESCER, the Office of the Special Rapporteur notes that Argentina, hosting 185,342 refugees, asylum seekers, and migrants, works together with UNHCR to guarantee access to territory, asylum, regularization, and family reunification, while also providing goods and services so that they can meet needs such as housing, health, and clothing among others.¹⁴⁶
152. In this sense, the REDESCA received information on the creation in June 2021 of the Integration Center for migrants and refugees, with the aim of accompanying these people, as well as promoting their rights. From its inauguration until October, the center provided advice and containment to more than 202 families of 24 different nationalities. Likewise, different courses and workshops are offered to promote the socio-labor inclusion of migrants, among which Spanish language courses stand out, within the framework of the agreement signed with the University Language Center (CUI). On the other hand, creative writing and theater workshops are offered as tools for psycho-social accompaniment. The REDESCA welcomes these measures and encourages their deepening in order to carry out the ESCER of people who are in human mobility in Argentina.¹⁴⁷

¹⁴⁶ UNHCR, [Argentina Fact Sheet](#), June 2021

¹⁴⁷ Argentine Government, [Integration Centre for migrants and refugees: a place of accompaniment and promotion of rights](#), 22 October 2021

3) BAHAMAS

153. With respect to the situation of ESCER in the Bahamas, the Office of the Special Rapporteur has specially monitored the impact that the pandemic has had on the guarantee of ESCER. In particular, it notes the impacts on the right to health and the State's response in this regard, as well as the effects on the guarantee of labor rights and the right to education. Likewise, the REDESCA closely follows the challenges that climate change and business activities in human rights would be generating. Finally, the REDESCA observes the fiscal and economic measures for the guarantee of ESCERs. Each of these strategic lines of the mandate is addressed in greater detail below.

A. Right to Health and its Social Determinants

154. The REDESCA has closely monitored the situation of ESCER in the country and, in particular, the impacts of the COVID-19 pandemic. With special regard to the enjoyment of the right to health in the context of the health emergency, the Office of the Special Rapporteur observes that the first case of COVID-19 in the country occurred on March 15, 2020, and that as of December 2021, there were approximately 23,112 infected people, 713 deaths, and 21,702 people recovered.¹⁴⁸¹⁴⁹

155. In this regard, it is noted that by December 2021 the country would be experiencing a significant number of cases, although the rate of daily infections would have stabilized after a peak of active cases between July and October. However, the REDESCA notes with concern that the number of people killed has been increasing substantially since September 2020 and that since July 2021 the mortality rate would be growing rapidly. Thus, as an example, while at July 1 254 people died, by November 30 there were already 671 people killed by COVID-19. Against this background, the Office of the Special Rapporteur on ESCER calls for the immediate and due diligence reinforcement of all appropriate measures to protect the rights to life, health, and personal integrity of all persons under the jurisdiction of the State, through an intersectional and differentiated approach.¹⁵⁰¹⁵¹

156. Without prejudice to the foregoing, the Office of the Special Rapporteur welcomes the measures that the State has taken to deal with the pandemic, among which is the constant promotion of prevention and biosecurity measures -such as the use of masks, hand washing and social distancing-. Likewise, various emergency orders have been issued to implement measures such as: curfews, requirements for entry into the country, limitations for non-essential services, restrictions on social gatherings and conglomerations, among others. These measures have been evaluated and made more flexible/strengthened according to an analysis of the epidemiological situation in the country.¹⁵²¹⁵³

¹⁴⁸ PAHO, COVID-19 Bahamas and Turks and Caicos Islands Situation Report April 24th, 2020, 24 of April 2020; Worldometer, Coronavirus cases in Bahamas, 20 of December Feb 2021

¹⁴⁹ Worldometer, Coronavirus cases in Bahamas, December 20, 2021

¹⁵⁰ Worldometer, Coronavirus cases in Bahamas, December 20, 2021

¹⁵¹ CIDH, Resolution 1/2020: Pandemic and Human Rights in the Americas, 10 April 2020, operative part, para. 1

¹⁵² Office of the Prime Minister, Emergency Powers (Covid-19 Pandemic), 2021

¹⁵³ Ibid

157. In this context, the State's efforts to move forward with the immunization process are also highlighted, since at the end of November 2021, there would be 284,411 doses administered and, by mid-December 2021, there would be a total of 145,793 vaccinated people –equivalente at a coverage rate of 37.07%-. This vaccination process would have begun on March 17, 2021 and through it it would have been established that in the first phase to include health workers; residents and staff of residence and care centers for the elderly, as well as elderly people registered in the public health system, along with personnel of uniformed bodies. Subsequently, the National Covid-19 Vaccine Consultative Committee announced that from April 26 anyone aged 18 and over would be eligible to receive the vaccine.¹⁵⁴¹⁵⁵¹⁵⁶¹⁵⁷
158. The REDESCA also notes that international cooperation has been very important to move forward with immunization, since the first 20,000 doses that arrived in the country were thanks to a donation from India. Subsequently, on March 30, the Bahamas would have received 33,600 doses of the COVID-19 vaccine through the COVAX mechanism – this batch was part of a total amount of 100,800 doses that the country would receive through this mechanism. Likewise, on August 12, the United States would have donated 128,700 doses to the country and on November 3 134,550 additional doses. Under this latest cooperation framework, the Bahamas would also have received four ultra-low temperature (ULT) freezers needed to store and distribute the Pfizer vaccine, as well as medical supplies to administer and handle these doses of the vaccine. It should be noted that the U.S. administration would have committed to donate a total of 379,000 doses, so more doses would be arriving in the country over time. ¹⁵⁸¹⁵⁹¹⁶⁰¹⁶¹¹⁶²
159. Despite these advances, the REDESCA notes with concern that with the arrival of the vaccines in the country in March, representatives of the Consultant Physicians Staff Association and the Bahamas Nurses Union stated that the medical unions would not have been consulted in the elaboration of the inoculation plan, nor taken into account for the dose distribution plan. In the same way, it was indicated that the registration process for the acquisition of vaccines would not have been properly disseminated. In this context, it is also striking that public skepticism has been reported from different sectors regarding vaccines and that calls were made that, prior to the

¹⁵⁴ Government of the Bahamas, [Vaccine tracker: The Bahamas Covid-19 vaccination weekly progress](#), 27 of November Feb 2021

¹⁵⁵ Datosmacro, [Bahamas- COVID-19 - Vaccines administered](#), December 15, 2021

¹⁵⁶ The Government of the Bahamas, [Rollout of COVID-19 vaccination campaign to begin on Wednesday](#), March 14, 2021; The Tribune, [7,000 Vaccinated](#), March 29, 2021.

¹⁵⁷ The Tribune, [Come And Get It: Govt Opens Up Vaccine Rollout From Today For Anyone Aged 18 Or Over](#), April 26, 2021.

¹⁵⁸ The Tribune, [First Vaccines Arrive in The Country](#), March 11, 2021.

¹⁵⁹ PAHO, [The Bahamas receives 33,600 AstraZeneca vaccines from PAHO-WHO's COVAX facility](#), March 30, 2021.

¹⁶⁰ U.S. embassy in The Bahamas, [U.S. Embassy Delivers Another 134,550 Pfizer COVID-19 Vaccine Doses to The Bahamas](#), 3 of November Feb 2021

¹⁶¹ Ibid

¹⁶² Ibid

- distribution and administration of vaccines, the population will be educated about the safety in the use of them.¹⁶³¹⁶⁴¹⁶⁵
160. Likewise, it was urged that the administration of doses be voluntary and not mandatory. These calls are even more relevant considering that, in mid-April, the REDESCA learned that several cases had been reported to the Labor Directorate in which different businesses would seek to implement a mandatory vaccination policy against COVID-19, in which not complying with this measure could mean that workers lost their jobs or were forced to pay for a test to detect the virus weekly. Despite these facts, the REDESCA notes that the Government would have indicated that these measures would not be legal and called on employers to ensure that, in the cases of unvaccinated people, a system was implemented that would allow COVID-19 testing for free or at least with some form of subsidy.¹⁶⁶¹⁶⁷¹⁶⁸
161. Against this background, the REDESCA emphasizes that, in line with IACHR Resolution 1/2021, States have the obligation to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19, as well as to counteract public distrust and disinformation with actions that contribute to strengthening security in public health institutions and in science-based knowledge. Likewise, it is reiterated that any vaccine against COVID-19 must have the free, prior and informed consent of the person who receives it.¹⁶⁹¹⁷⁰
162. More broadly, in relation to the health system in general, the REDESCA also notes that the country would have an average of public expenditure on health per capita higher than the average of Latin America and the Caribbean, although below the average expenditure of OECD countries. Considering that a source of structural inequality in access to health services precisely results from the low level of public spending – associated with a consequent high out-of-pocket expenditure – the REDESCA urges to continue allocating resources for the strengthening of the health system.¹⁷¹
163. In line with the above, the Office of the Special Rapporteur welcomes the agreement between the authorities of the Government of the Bahamas and the Beck Group through which public hospitals would be improved. The agreement would include infrastructure and technology for Princess Margaret Hospital in Nassau and Rand Memorial Hospital in Grand Bahamas. The REDESCA believes that this type of measures is progressing in guaranteeing the right to health, by strengthening the availability and quality of health facilities.¹⁷² Without prejudice to this, the State

¹⁶³ The Tribune, [Health Unions: We've Not Been Consulted](#), March 15, 2021.

¹⁶⁴ The Tribune, [First Vaccines Arrive in The Country](#), March 11, 2021

¹⁶⁵ The Tribune, [Union Chief: Taking Vaccine Should Be A Choice For Teachers](#), January 26, 2021.

¹⁶⁶ Ibid

¹⁶⁷ The Tribune, [Demand for Staff to be Vaccinated 'Not Legal'](#), April 16, 2021.

¹⁶⁸ The Tribune, [Demand for Staff to be Vaccinated 'Not Legal'](#), 16 of April of 2021.

¹⁶⁹ CIDH, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 11

¹⁷⁰ CIDH, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 16

¹⁷¹ ECLAC- OPS, [The prolongación of the health crisis and its impactoen health, economía and social development](#), October 14, 2021

¹⁷² Bail, [The \\$90 million Bahamian agreement to improve public hospitals](#), November 6, 2021.

continues to be urged to dispose of and mobilize the maximum of available resources to give effect to the right to health and other ESCERs, in order to prevent and mitigate the effects of the pandemic on human rights.¹⁷³

B. Climate Emergency and Human Right to Water

164. Bearing in mind that there is a special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty, as well as the impact of extractive activities on the guarantee of human rights, and particularly the ESCER, the REDESCA emphasizes that it is a priority that there is a human rights approach in the country to climate change and its consequences, as well as to these activities.¹⁷⁴

165. These measures are even more pressing considering that the country has been particularly affected by natural phenomena, such as the passage of Hurricane Dorian, which would have left more than 70,000 people in need of humanitarian aid, more than 76,000 homeless people, along with human losses, the destruction of homes, educational and health centers. While acknowledging the State's efforts to ensure recovery after the hurricane, it should be noted that, in the framework of the 181st Period of Sessions of the IACHR, the IACHR and the REDESCA received information on how extractive activities and climate change in the Caribbean have had serious impacts on the guarantee of human rights. and particularly ESCER, with a differential and disproportionate effect on women, indigenous peoples and Afro-descendant communities.¹⁷⁵¹⁷⁶

166. Particularly, in the case of the Bahamas, the Office of the Special Rapporteur on ESCER expresses its concern about the situation of vulnerability that people in situations of poverty and/or human mobility would be experiencing as a result of the Hurricane. This is because during the hearing it was reported that there were two settlements that were completely razed, which were home to Haitian communities. In this regard, it was specified that although some Haitian people were evacuated, many died – without having a certain figure. Likewise, it was reported that although the Government would have created some domes/tents for the temporary shelter of some displaced people, to this day there would be families living in these structures.¹⁷⁷

167. Likewise, the REDESCA notes with concern that peaceful demonstrations were reportedly held in Abaco at the end of January in order for the Bahamian government to listen to residents about the

¹⁷³ CIDH, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, para. 13

¹⁷⁴ IACHR and REDESCA, Press Release No. 276, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on states and the international community to address the situation of those affected](#), November 17, 2020.

¹⁷⁵ REDESCA, [IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS \(REDESCA\) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. \(IACHR\). 2020, OAS/SER. L/V/II.](#), 30 March 2021, Para.. 134.

¹⁷⁶ CIDH, 181 Period of Sessions, [Audiencia No. 11 RE Impact of extractive industries on human rights and climate change in the Caribbean](#), 26 of October Feb 2021

¹⁷⁷ CIDH, 181 Period of Sessions, [Audiencia No. 11 RE Impact of extractive industries on human rights and climate change in the Caribbean](#), 26 of October Feb 2021

post-Hurricane Dorian reconstruction process, including an approach to immigration, extensions of tax relief measures and the establishment of unregulated housing. s in the area. ¹⁷⁸Faced with this last point, the REDESCA learned that, by February 2021, the Government would have taken the decision to demolish the communities that are not regulated, which has been a measure questioned by activists and civil society organizations, who have indicated that the Government should have designed comprehensive housing plans in response to the crisis caused by Huracan Dorian in 2019. On the other hand, it has been argued that the measure – which would impact approximately 20,000 people – is discriminatory, as it would result in the total ethnic elimination of Haitian-Bahamian communities. ¹⁷⁹¹⁸⁰

168. As a result, the REDESCA learned that defense lawyers for community members petitioned the Supreme Court for an order prohibiting the demolition. ¹⁸¹Likewise, in April a raid was reported carried out by at least 60 officers, who would have used force and threatened those who tried to record the event with the cameras of their phones.¹⁸² Likewise, the removal of different belongings of the community, such as generators, refrigerators and money, was reported. According to the people affected, the raid was carried out before dawn. ¹⁸³In this sense, these people would remain in a constant state of concern, due to their imminent eviction, the destruction of their homes and the lack of a place to live.¹⁸⁴

169. Against this background, the REDESCA, in addition to expressing its solidarity with the victims, emphatically calls on the State to provide comprehensive and timely care to these people, highlighting the urgency of taking urgent measures to guarantee human rights, and particularly, the ESCER of the population, including the right to decent housing and the restoration of essential services. Additionally, it is emphasized that the principle of equality and non-discrimination must be at the center of the measures, taking special consideration of people in conditions of human mobility and / or in situations of poverty.

C. Business and Human Rights

170. The REDESCA notes that at the end of 2020, Bahamas petroleum company (BPC) would have started an oil drilling project in Bahamian waters, which has been widely controversial for two reasons: on the one hand, the prime minister has stated that, without prejudice to the fact that he is against oil drilling, the Bahamas would be bound by a contract contracted by the previous administration of the Island. This statement would have raised questions about the transparency

¹⁷⁸ The Tribune, [Residents To Protest Over Issues In Abaco](#), January 29, 2021.

¹⁷⁹ The Tribune, [Where Do They Go After Demolitions?](#), April 14, 2021; The Tribune, [‘What’s The Plan For Abaco Shanty Town Residents?’](#), February 9, 2021.

¹⁸⁰ The Tribune, [‘Eradication’: Smith Accuses Govt Of Racist Plan To Wipe Out Haitian Communities](#), March 26, 2021.

¹⁸¹ The Tribune, [‘Eradication’: Smith Accuses Govt Of Racist Plan To Wipe Out Haitian Communities](#), 26 of March of 2021.

¹⁸² The Tribune, [‘We’Re Human Too’: Shanty Town Residents Hit Out At Authorities On Tactics Employed In Raid](#), April 12, 2021.

¹⁸³ The Tribune, [‘We’Re Human Too’: Shanty Town Residents Hit Out At Authorities On Tactics Employed In Raid](#), April 12, 2021.

¹⁸⁴ The Tribune, [Demolition - Then What Do I Do?](#), April 27, 2021.

of oil activity. On the other hand, it has been questioned whether the PCB project is properly insured. Thus, a coalition of environmental groups has called for the Government to publish all documents related to the oil exploitation of the Bahamas Petroleum Company and to suspend this project, which would be ill-conceived and threaten disaster, as it would represent serious climate, environmental and governance problems. In this regard, the REDESCA notes that, in February 2021, the oil company announced its cessation of extractive operations after failing to find commercially viable oil volumes. However, BPC would seek to renew its four exploration licenses in the Bahamas.¹⁸⁵¹⁸⁶¹⁸⁷¹⁸⁸¹⁸⁹¹⁹⁰

171. Taking into account this panorama, the REDESCA recalls that, in accordance with inter-American standards on business and human rights, States have the obligation to ensure participatory and inclusive spaces for those who may have the risk of having their fundamental rights and freedoms affected as a result of business activities, as long as this will allow them to express their opinion and that it be taken seriously, for which they must take into account the circumstances of each case such as the type and degree of impacts on rights, the type of industry, the populations involved, among others. In view of the above, the assurance of mechanisms for participation in issues involving the field of business and human rights must be broad and must be aimed at including that people, communities and populations directly affected, human rights defenders as well as human rights organizations of civil society are effectively heard.¹⁹¹¹⁹²

172. In the same thread of the above, it is reiterated that for participation to be effective, transparency about activities is essential. In the same way, it is recalled that States, when exercising their regulatory, supervisory and judicial functions, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity.¹⁹³

D. Labor and trade union rights

173. With regard to the guarantee of labor and trade union rights, the REDESCA paid particular attention to the complaints lodged by the Bahamas Nurses' Union at the beginning of the year, which reported that, despite the government's commitment to pay the overtime and fees owed to them, payments would not have been received. Such a situation would have led them to demonstrate to demand payment of the values owed for their work during the pandemic and

¹⁸⁵ Physorg, [Bahamas is set to start offshore oil drilling just 150 miles off South Florida](#), November 29, 2020.

¹⁸⁶ The Nassau Guardian, [Murky Waters](#), 20 January 2021

¹⁸⁷ The Tribune, ['Publish Documents On Oil Drilling Project'](#), January 22, 2021.

¹⁸⁸ The Tribune, ['Publish Documents On Oil Drilling Project'](#), 22 of January of 2021.

¹⁸⁹ The Tribune, [PM Reaffirms Stance Against Oil Drilling](#), March 26, 2021.

¹⁹⁰ The Tribune, [PM Reaffirms Stance Against Oil Drilling](#), March 26, 2021.

¹⁹¹ REDESCA, [Report Enterprises and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, párr. 49

¹⁹² REDESCA, [Report Enterprises and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, párr. 49

¹⁹³ REDESCA, [Report Enterprises and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, párr. 46

during the ravages of Hurricane Dorian in 2019. It should be noted that, after these complaints, the prime minister assured that his promise to pay the nurses would be fulfilled.¹⁹⁴¹⁹⁵

174. REDESCA notes that, subsequently, the representative of the Union indicated that approximately 60 per cent of nurses would have received their overtime pay during the COVID-19 pandemic. However, none would have received the fees due and it would have been reported that the payment for the fees during the Hurricane would be made later. As a result of this situation and challenging working conditions, at the end of April, the Union reported that between 25 and 50 nurses had left the public sector in the last 6 months.¹⁹⁶¹⁹⁷

175. Taking into account this situation, the REDESCA calls for guaranteeing the labor rights of health personnel, and emphasizes that, in accordance with IACHR Resolution 1/2020, States must protect the human rights, and particularly the ESCER, of workers most at risk from the pandemic and its consequences. To this end, it is a priority to take measures to ensure the economic income and livelihoods of all workers, so that they have equal conditions to comply with containment and protection measures during the pandemic, as well as conditions of access to food and other essential rights. People who have to continue carrying out their work activities must be protected from the risks of contagion of the virus and, in general, adequate protection must be given to jobs, wages, freedom of association and collective bargaining, pensions and other social rights interrelated with the labor and union environment.¹⁹⁸

E. Fiscal and Economic Policies

176. With regard to fiscal and economic policies, the REDESCA notes that, according to ECLAC, the projection of the 2021 GDP growth rate is expected to be 2.3%. In this context, the Office of the Special Rapporteur welcomes the State's measures against the pandemic, which have included that, based on the allocation of 3.9% of GDP, support measures are implemented in the health sector, in food programs, in subsidies for those who lost their jobs or independent workers, as well as for business loans to small and medium-sized enterprises to support payroll expenses. COVID-19 expenses for Family Islands, among others.¹⁹⁹²⁰⁰

177. The foregoing, taking into account that, in line with Resolution 1/2020, for the effective attention of the pandemic, States must have and mobilize the maximum of the available resources to make effective the right to health and other ESCERs, including taking fiscal policy measures that allow

¹⁹⁴ The Tribune, [Nurses Still Not Paid Money Owed By Government](#), January 29, 2021.

¹⁹⁵ Eyewitness News, [PROMISES, PROMISES: PM tells nurses they will get paid even if he doesn't](#), February 5, 2021.

¹⁹⁶ The Tribune, [Not All Pay Promises To Nurses Met](#), February 22, 2021.

¹⁹⁷ The Nassau Guardian, [Between 25 and 50 nurses left public sector during pandemic, nurses union leader says](#), April 26, 2021.

¹⁹⁸ CIDH, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, Para.. 5.

¹⁹⁹ ECLAC- OPS, [The prolongación of the health crisis and its impactoen health, economía and social development](#), October 14, 2021

²⁰⁰ International Monetary Fund, [Policy tracker: The Bahamas](#), June 2021

an equitable redistribution and the design of concrete plans and commitments to substantially increase the public budget to guarantee the right to health.²⁰¹

F. Education, science, technology: academic freedom and university autonomy

178. Regarding the enjoyment of the right to education in the context of the pandemic, the REDESCA notes that, by October, schools would be closed, so classes would be held virtually. In this regard, it is welcomed that the Ministry of Education and the Ministry of Health have worked articulately for the design of a Strategic Plan for the safe reopening of schools on the islands of New Providence, Abaco, Eleuthera and Exuma. Faced with this last point, it is noted at the same time that they would respond to the calls made by the Bahamas Teachers' Union that urged the Ministry of Education to formulate and publish a plan on health protocols in the framework of the return to the classrooms.²⁰²²⁰³²⁰⁴

179. In this context, the Office of the Special Rapporteur on ESCER reiterates that, given the impact that school closures can have on children's rights, it is important that they are only implemented when strictly necessary. Likewise, regardless of the modality, it is a priority that the State has mechanisms that allow children to continue with access to education and with stimuli that their age and level of development require, under an intercultural, intersectional and differentiated approach.²⁰⁵

²⁰¹ CIDH, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, para. 13

²⁰² UNICEF, LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, 18 October 2021

²⁰³ UNICEF, LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, 18 of October de 2021; Ministry of education and Ministry of Health, Requirements for the Resumption of Face to Face Instruction on the Islands of New Providence, Abaco, Eleuthera and Exuma, 22 of February Feb 2021

²⁰⁴ The Tribune, Union Wants Plan On School Reopening, February 12, 2021.

²⁰⁵ CIDH, Resolution 1/2020: Pandemic and Human Rights in the Americas, 10 April 2020, Para.. 64

4) BARBADOS

180. The Office of the Special Rapporteur has followed up on the situation of ESCER in Barbados, especially analyzing the challenges regarding the enjoyment of the right to health, in particular with respect to access to vaccines and the situation of health workers, taking particular note of the economic and fiscal policies adopted to address this situation. In the same way, the mandate has monitored the situation that the country faces with respect to the climate emergency, also following the enjoyment of the right to education and labor and trade union rights. These issues that are part of the strategic agenda of the REDESCA will be addressed in detail.

A. Right to Health and its Social Determinants

181. REDESCA, through the monitoring of the situation and the impacts that the COVID-19 pandemic observes with regard to the enjoyment of the right to health, which, as of November 15, registered 22,316 confirmed positive cases, raising the number of deceased people to 194. Regarding the vaccination figures against COVID-19, REDESCA notes that, as of the same date, the country had applied 284,659 doses, with 132,777 people fully vaccinated, which represents 46.20% of the population.²⁰⁶²⁰⁷

182. With regard to the measures that have been taken by the government of Barbados to counter the effects of the pandemic, the REDESCA notes that the country received on April 7 the first doses of COVID-19 vaccines through the COVAX mechanism, a global effort co-led by the Coalition for Innovation in Epidemic Preparedness (CEPI), the GAVI Vaccine Alliance, UNICEF, the World Health Organization (WHO) and the Pan American Health Organization (PAHO).²⁰⁸

183. Also related to the measures adopted, the REDESCA notes that in February, the government decreed a period of national pause, which consisted of a series of intensified restrictions to combat the spread of Covid-19, where for example, only supermarkets, pharmacies, gas stations will remain open.²⁰⁹ Likewise, the REDESCA notes that even in September the situations of restrictions continue in the State of Barbados, where the existing curfew was extended, with the new schedule being from 9 p.m. to 5 a.m. from Monday to Saturday and from 6 p.m. to 5 a.m. on Sunday.²¹⁰

184. Regarding the situation of health workers, the REDESCA observes that, despite the fact that in 2020 they were treated with honor and much respect due to the work carried out in the fight against COVID-19, in 2021 that treatment changed, and situations of violence began to occur in the various health centers. Faced with this situation, the Director of medical services at Queen Elizabeth Hospital said that, in a single week, at least three members of the medical staff were

²⁰⁶ Expansion [COVID-19 - Coronavirus Crisis](#), November 15, 2021

²⁰⁷ Expansion [COVID-19 - Vaccines Administered](#), November 15, 2021

²⁰⁸ UNICEF, Barbados receives its first COVID-19 vaccines through the COVAX mechanism, 7 April 2021

²⁰⁹ Loop [Barbados enters a 'national reset': Prime Minister announces lockdown](#), 26 January 2021

²¹⁰ Caribbean News, [Barbados tightens curfew as cases rise](#), 13 September 2021

physically assaulted by patients, for example, a nurse received a blow to the chest, a doctor a blow to the face and a nursing practitioner was also assaulted.²¹¹²¹²

185. Given this situation, REDESCA recalls that in accordance with Resolution 1/2020 on Pandemic and Human Rights in the Americas, states have the duty to ensure the availability and timely provision of sufficient amounts of biosecurity material, supplies and essential medical supplements for the use of health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources to deal with this type of health emergency situation.²¹³

186. With regard to the enjoyment of the right to health, REDESCA notes the situation faced by the Barbados HIV Food Bank earlier this year, where preparations were made to ensure that its vulnerable clients can obtain the best nutrition needed for their diets. The institution expects to have greater donations in the first week of February 2021 due to the projected reduction in revenues.²¹⁴

B. Climate Emergency and Human Right to Water

187. As for Barbados' role at COP26, the REDESCA highlights the Prime Minister's speech in which she questioned world leaders, stating that if we do not act for the good of all, then it will be the path of greed that leads to collective destruction, and that a global temperature increase of more than 1.5°C is a death sentence for large numbers of human beings, especially in insular conditions and high vulnerability. Barbados currently has one of the most impressive emission reduction targets, known in UN jargon as NDCs (Nationally Determined Contributions). By 2030, it aims to be the world's first 100% green and fossil-fuel-free island state, despite being one of the countries least responsible for the climate crisis. However, the Caribbean country needs international financial assistance to achieve this bold goal.²¹⁵²¹⁶

188. With regard to the enjoyment of the right to a healthy environment, the REDESCA takes note of the action taken by the Ron West Indies distillery. The company began installing a million-dollar solar power plant to reduce its environmental impact, aiming for carbon neutrality by 2030.²¹⁷

189. In this sense, the REDESCA is concerned about the situation of climate change in the Caribbean area, which also affects the water supply. Water scarcity is a daily reality for many, coupled with the fact that rising temperatures and poor rainfall could make the situation worse. In addition to this worrying fact²¹⁸, the eruption of the La Soufriere volcano in Saint Vincent and the Grenadines

²¹¹ Barbados today, [Protect healthcare workers from abuse](#), October 16, 2021

²¹² Ibid

²¹³ IACHR – REDESCA, [Resolution 1/2020 Pandemic and Human Rights in the Americas](#), April 10, 2020

²¹⁴ The Barbados Advocate, [PREPARATIONS ONGOING AT HIV FOOD BANK AHEAD OF NATIONAL PAUSE](#), January 29, 2021.

²¹⁵ Pressenza, [Barbados Prime Minister Mia Mottley challenges major powers at COP 26](#), 6 November 2021

²¹⁶ Opendemocracy, [Barbados: A small but powerful force to incite climate action](#), November 3, 2021

²¹⁷ The Spirits Business, [West Indies Rum installs \\$1m solar array](#), 8 April 2021

²¹⁸ DW [Climate change puts pressure on failing Caribbean water supplies](#), 26 January 2021

- is added, which according to the UN coordinator for Barbados and the Eastern Caribbean, opens the possibility of a humanitarian crisis in surrounding areas. Faced with this situation, the REDESCA notes that the Seismic Research Center of the University of the West Indies in Trinidad and Tobago (UWI), which is monitoring the activity of La Soufrière, has reported on Sunday that ash fall has been reported in Barbados.²¹⁹²²⁰
190. Also, after this fact there was an increase in dust by 66%, which is associated with the fog that was experienced in Barbados in April, against which it was noted that a new station is planned to be put into operation to monitor dust levels in terms of air concentration against the standards established by the World Health Organization, allowing to implement preventive measures, as well as an alert system in case the air deteriorates below the aforementioned standards. The Office of the Special Rapporteur notes that this environmental situation implies dangers to people's health; it also caused many people to access shelters, doing everything possible to comply with COVID-19 protocols, for example, when people apply to the shelter, they must receive a rapid antigen test for the virus.²²¹²²²
191. On the other hand, the REDESCA notes that the Ministry of Energy, Small Business and Entrepreneurship is considering having ocean energy technology, to contribute to the goal of Barbados' National Energy Policy 100% renewable by 2030. As part of the consultants' preparatory work, 16 possible ocean energy project scenarios were identified, paying special attention to the island's national parks, marine protected areas, turtle nesting sites, coral reef buffer zones, among other areas.²²³²²⁴
192. Faced with these facts, the REDESCA recalls what was expressed in conjunction with the United Nations Special Rapporteur on human rights and the environment, about the need for the States of the region to strengthen the protection of the environment during the pandemic.²²⁵
193. Related to climate change, the REDESCA notes that, in July, Hurricane Elsa wreaked havoc on Barbados' infrastructure, as expressed by local authorities. Especially in the southern part of the country, the Hurricane caused serious damage to homes and the fall of trees, detachment of roofs and the fall of fences.²²⁶²²⁷

C. Labor and Trade Union Rights

²¹⁹ DW [UN warns of long humanitarian crisis over eruption of La Soufriere volcano](#), April 14, 2021

²²⁰ The Country, [The eruption of the volcano La Soufrière leaves thousands of evacuees and power and water cuts in San Vicente](#), April 11, 2021

²²¹ The Barbados Advocate, [AIR QUALITY BEING MONITORED](#), April 11, 2021

²²² The Barbados Advocate, [SOME BARBADIANS BEING FORCED OUT INTO THE ASH](#), 18 April 2021

²²³ Bnamericas, [Ocean Energy Being Considered For Barbados](#), 23 April 2021

²²⁴ Ibid

²²⁵ IACHR, The Americas: [Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#)⁹, CP no. 198/20, 13 August 2020

²²⁶ AA [Hurricane Elsa causes damage to Barbados' infrastructure](#), July 2, 2021

²²⁷ Live USA, [Hurricane Elsa destroys southern Barbados](#); continues its trajectory, July 2, 2021

194. With regard to the enjoyment of labor rights, the REDESCA notes that in June 2021 the unemployment rate was 15.9%,²²⁸ having increased compared to 2020, where this rate stood at 12.8%.²²⁹

D. Fiscal and Economic Policies

195. In relation to the Fiscal and Economic Policies that the country has carried out, especially to respond to the impacts of the pandemic, the REDESCA takes note of the implementation of the Program to Support the Emergency Generated by the COVID-19 Pandemic of the Development Bank for Latin America (CAF) in Barbados approved in July 2020. This project is included in the application for a loan to the aforementioned institution in order to support the fiscal management of the Government of Barbados and contribute to promoting the availability and timely execution of public resources, strengthening the countercyclical effect of fiscal policy through the temporary introduction of exceptional measures to address the economic and social impacts caused by the COVID-19 pandemic in the country.²³⁰²³¹

196. In addition to the aforementioned measures, the REDESCA notes that a 12-month COVID aid jobs program was also implemented to generate contractual employment opportunities that promote health security and increase food production, while specific cash transfer frameworks were extended to small businesses and suppliers affected by the second national pause in February 2021.²³²

197. Likewise, the REDESCA highlights the monthly bonus aimed at vulnerable families within the framework of the Household Survival Programme, the creation of programs aimed at supporting the unemployed, and transfers to public institutions to carry out reactivation programs.²³³

E. Education, science, technology: academic freedom and university autonomy

198. Regarding the right to education, especially in the context of the pandemic, the REDESCA notes that, in Barbados, due to the COVID-19 pandemic, from March to June 2020 schools were closed in Barbados and educational services were interrupted, affecting almost 57,530 students. The new academic year began in Barbados (September 21, 2020), while Schools in Barbados were expected to implement a hybrid model that included face-to-face classes in small groups. However, the recent increase in COVID-19 infections in the country pushed back this decision, and now all classes are held in the online modality. In this context, new digital skills and distance learning pedagogies are of paramount importance for teachers to maintain the continuity of learning.²³⁴

²²⁸ Trading Economics, [Barbados - Economic Indicators](#), June 2021

²²⁹ World Bank [Unemployment, total \(% of total labor force\) \(ILO modelled estimate\)](#), 2020

²³⁰ Development Bank of Latin America, [Support program for the emergency generated by the COVID-19 pandemic in Barbados](#), 22 September 2021

²³¹ Ibid

²³² International Monetary Fund, [POLICY RESPONSES TO COVID-19](#), July 2, 2021

²³³ ECLAC, [Fiscal Panorama of Latin America and the Caribbean](#), 2021

²³⁴ IBD, [Education approach](#), 30 March 2021

199. The REDESCA also notes how the context of the pandemic has had a particular impact on the enjoyment of the right to education. According to the information provided, the Barbados government plan established that face-to-face classes would gradually resume on April 20, 2021. Faced with this decision, the Barbados Teachers Union (BUT) and the Barbados Secondary Teachers Union disagreed with the measure taken, calling the announcement premature, despite the reduction in Covid-19 cases observed in April 2021. The Government said that the resumption of in-person classes is essential because many students had difficulty adapting to virtual learning. However, unions said it would be better for children to return to classrooms when teachers receive their second dose of covid-19 vaccine.²³⁵
200. The REDESCA recognizes the efforts of the State of Barbados to ensure an improvement in the mental and emotional health conditions of young people. The president of the University of the West Indies noted concern about the gaps that have opened up in education systems in countries in the region while schools remain closed. He added that the absence of schools has had physical, social and mental implications.²³⁶
201. In this regard, the REDESCA notes that the government introduced a Mental Health Committee during a ministerial declaration. From the Ministry of Education it was pointed out that this Committee is necessary to measure where students are psychologically when returning to the classrooms after the interruption caused by the Covid-19 pandemic.²³⁷

²³⁵ Loop News, [Barbados teachers unions say planned reopening of schools premature](#), 27 March 2021

²³⁶ The Barbados Advocate, [RISKS TO CHILDREN RISING](#), March 31, 2021

²³⁷ The Barbados Advocate, [PROTECTING STUDENTS' MENTAL HEALTH](#), 28 March 2021

5) BELIZE

202. Through its various mechanisms, the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights has constantly monitored the human rights situation in Belize, under the mandate granted by the Charter of the Organization of American States and the American Declaration on the Rights and Duties of Man. The following are the most relevant situations identified in relation to some of the main strategic lines of the mandate, specifically: the right to health and its social determinants, climate emergency, business and human rights, fiscal policies, labor rights, the right to education, as well as human mobility in relation to ESCER.

A. Right to Health and its Social Determinants

203. Regarding the right to health, the Office of the Special Rapporteur emphasizes that, like other countries in the region, it observes that the COVID-19 pandemic severely affected Belize. Following the successful containment of the first wave of the pandemic, the country experienced a second wave starting in June 2020. Although this wave was controlled, it left Belize with one of the highest numbers of cases and deaths per capita in the Caribbean.²³⁸

204. REDESCA has received data on the COVID-19 pandemic in Belize; In this regard, it should be noted that, as of November 23, 2021, there are a total of 29,967 confirmed cases and a total of 569 deaths. On the other hand, the Office of the Special Rapporteur takes note of the vaccination situation in the country, since as of November 19, 2021, a total of 403,528 doses have been applied and a total of 190,806 people have been fully vaccinated. However, the above, the REDESCA expresses its concern about the low participation of the population of Belize in the VACCINATION DAYS AGAINST COVID-19; in particular, there are data that indicate an advance of only 55% in the first dose and 40% of the complete vaccination schedule.^{239,240,241}

205. In relation to social determinants, the Office of the Special Rapporteur salutes the country for having implemented in 2021 the money transfer program to provide support to families in vulnerability due to COVID-19. Belize's COVID-19 Cash Transfer Program (BCCAT) provided short-term emergency supplemental money to families who did not qualify for other welfare plans. Thus, beneficiaries received approximately \$150 to \$600 a month, depending on household composition. According to the government, 36,000 beneficiaries were evaluated through the Food Assistance Program for cash transfer, giving priority to poor families with pregnant women, children, the elderly and people with physical disabilities.²⁴²

B. Climate Emergency and Human Right to Water

206. The REDESCA notes that Belize is highly vulnerable to natural disasters and climate change, as evidenced by floods, droughts, hurricanes, sea level rise, coastal erosion and coral bleaching. In that regard, the Office of the Special Rapporteur highlights the effort of the government of Belize

²³⁸ IMF [Belize: 2021 Article IV Consultation-Press Release: Staff Report: and Statement by the Executive Director for Belize](#), June 7, 2021

²³⁹ Expansion [Belize Covid19](#), November 23, 2021.

²⁴⁰ Ibid.

²⁴¹ News Quintana Roo, [Little progress in vaccination campaign in Belize prevents reopening of borders](#), November 5, 2021.

²⁴² Government of Belize, [Government of Belize to Launch COVID-19 Cash Transfer Program](#), December 15, 2020

in signing the framework agreement to officially join the International Solar Alliance (ISA), which is an important global initiative for the implementation of the Paris Climate Agreement, which provides for a rapid deployment of solar energy units.²⁴³²⁴⁴

207. On the other hand, the Office of the Special Rapporteur welcomes the fact that, within the framework of COP 26, Belizean state authorities signed the Glasgow Leaders' Declaration on Forests and Land Use to halt and reverse forest loss and land degradation by 2030; specifically, by signing the declaration, leaders commit to strengthening their shared efforts to conserve forests and other terrestrial ecosystems and accelerate their restoration, as well as to facilitate sustainable trade and development policies, at the international and national levels.²⁴⁵

208. The REDESCA notes that Belize, along with other countries in the region, committed to developing climate-resilient, low-carbon health systems at the United Nations Climate Change Conference in Glasgow (COP26), in response to growing evidence of the impact of climate change on people's health. It is for this reason that the REDESCA salutes and encourages the government of Belize to implement actions that allow it to fulfill its commitment, transforming its health system to be more sustainable and with low carbon emissions.²⁴⁶

C. Business and Human Rights

209. Regarding business and human rights, the REDESCA takes note of the negative consequences that the different projects proposed to the government related to the construction of cruise ports could have, as these could harm the safety and environmental sustainability of the high retention area that is off the coast of the Belize district. In particular, this project would involve a cleaning of mangroves along the coast, thus harming a significant environmental imbalance. Therefore, the REDESCA urges the State authorities to seek sustainable development in the area, since tourism in the country is also based on environmental attractions, interior ruins, rivers, jungles and reef barriers that are found throughout the maritime territory of the country.²⁴⁷

210. Likewise, the Office of the Special Rapporteur highlights that the Association of Protected Area Management Organizations has asked the government to stop gold mining in Chiquibil National Park, since this extractive activity would be devastating parts of Chiquibil National Park, derailing conservation efforts to maintain the natural resources and ecosystem services they provide to Belize. In addition, the same association has collected evidence from an excursion to the Park that would show the serious damage caused to natural resources by the mining operation of Boiton Minerals Limited. Attentive to this, the REDESCA invites the State to comply with the provisions of the ²⁴⁸*Report on Business and Human Rights*, which states that the obligation to respect implies that

²⁴³ IMF [Belize: 2021 Article IV Consultation-Press Release; Staff Report; and Statement by the Executive Director for Belize](#), June 7, 2021

²⁴⁴ BNamericas, [Belize joins the International Solar Alliance](#), February 15, 2021.

²⁴⁵ Tec Review, [The world's commitment to halting deforestation](#), November 2, 2021.

²⁴⁶ Radio Santa Fe, [Countries commit to develop climate-smart health care at UN summit COP26](#), 10 November 2021.

²⁴⁷ Belizean, [Multiple cruise tourism port projects cause alarm in Belize](#), April 19, 2021.

²⁴⁸ BBN [APAMO calls on the Government to halt gold mining in the Chiquibil National Park](#), September 8, 2021.

States must refrain from engaging in conduct related to business activities that contravene the exercise of human rights.²⁴⁹

D. Labor and Trade Union Rights

211. Regarding labor rights, the REDESCA notes that preliminary results of the Belize Institute of Statistics' September 2021 Labor Force Survey (LFS) showed that the national unemployment rate fell from 13.7% in September 2020 to 9.2% in September 2021, as major industries, like "Tourism", they gradually recovered from the adverse effects of the COVID-19 pandemic.²⁵⁰

212. Likewise, in the same period, the employed population was estimated at 174,237 people, a net increase of 17,948 men and 10,834 more women than in September 2020. Overall, men occupy 62% of the available jobs. In addition, 38.1 per cent of the working-age population were classified as outside the labor force. About 95% of people in the potential labor force reported being available to work but were not actively looking for a job. In this regard, the main reason why women did not look for work, according to the Belize Institute of Statistics, was because of their personal or family responsibilities, while the reason that led men not to look for work was mainly because they were studying or training.²⁵¹

213. Along these lines, the REDESCA observes that it is important that the State of Belize create the conditions that facilitate the insertion and permanence of women in the workplace, so that their reproductive role does not become an exclusive and discriminatory variable and addresses social and cultural stereotypes that have imposed these tasks as a responsibility of women.

E. Fiscal and Economic Policies

214. Regarding fiscal policies, the Office of the Special Rapporteur highlights that, according to information provided by the IMF, the pandemic caused a 72% drop in tourist arrivals in 2020 and a decrease in activity, which caused real GDP to contract by 14.1%. Likewise, the fiscal situation deteriorated sharply, and the primary deficit increased from 1.3% of GDP in 2019/20 to 8.4% in 2020/21. Tourist arrivals remain weak, but the IMF expects it to recover by the end of 2021, when vaccines will be more available in countries. As a result, according to the IMF, real GDP is forecast to grow by 1.5% in 2021 and 6.2% in 2022, thus recovering its pre-pandemic level in 2025 alone. Meanwhile, it is a cause for concern that public debt will remain high, peaking at 132% of GDP in 2021 and gradually declining to 111% in 2031.^{252,253}

215. On the other hand, REDESCA is concerned about the latest results of the monthly survey of the Consumer Price Index (CPI) of the Belize Institute of Statistics, which show that, for the month of October 2021, the CPI of all items, which summarizes the price levels in all categories of goods and services, stood at 105.2, up from 100 in October 2020. This indicates that, on average, the country experienced a national inflation rate of 5.2 per cent in the cost of goods and services typically

²⁴⁹ REDESCA, Business and Human Rights: Inter-American Standards, OAS/ Ser. L/V/II, 1 November 2019

²⁵⁰ Statistical Institute of Belize, Labor Force Survey: September 2021, November 24, 2021

²⁵¹ Statistical Institute of Belize, Labor Force Survey: September 2021, November 24, 2021

²⁵² IMF Belize: 2021 Article IV Consultation-Press Release: Staff Report: and Statement by the Executive Director for Belize, June 7, 2021

²⁵³ IMF Belize: 2021 Article IV Consultation-Press Release: Staff Report: and Statement by the Executive Director for Belize, June 7, 2021

purchased by Belizean households. This was the highest monthly inflation rate recorded since August 2008 and was due to the increase in the prices of goods and services within the categories of "Transport", "Food and non-alcoholic beverages", "Housing, water, electricity, gas and other fuels" and "Restaurants and accommodation services".²⁵⁴

216. Therefore, the REDESCA warns that basic rights such as food, transport, housing and water are being affected by inflation and require special attention from the State so as not to harm the population, especially those in a situation of vulnerability.

F. Education, science, technology: academic freedom and university autonomy

217. Regarding the right to education, the Office of the Special Rapporteur notes that schools in Belize were closed in March 2020, when the pandemic first hit the country, and although efforts were made to reopen them at the end of the 2020-2021 academic year, they were not enough due to the actions of teachers and the increase in COVID-19 cases. However, with the pandemic under control, the Ministry of Education, Culture, Science and Technology (MoECST) announced that some schools would reopen for hybrid learning from 4 October. In addition, schools achieving Green Light Certification status for the return to face-to-face learning must follow the Guidelines for the Operation of Schools for the 2021-2022 academic year and must report any suspected cases of COVID-19 to MoECST and the Ministry of Health and Welfare (MoHW) using an advance notification mechanism.²⁵⁵²⁵⁶

218. On the other hand, the REDESCA expresses its concern about the situation regarding the low rate of students who have returned to face-to-face classes, by the end of October 2021 only 1% of students had returned to the classrooms. Attentive to this, the REDESCA urges the authorities of Belize to implement actions aimed at ensuring the face-to-face classes of children and adolescents from the different regions of the country.²⁵⁷

G. Human Mobility and ESCER

219. With respect to human mobility and ESCER, the Office of the Special Rapporteur notes that, according to the International Organization for Migration (IOM), the migrant population has made important contributions to Belize's development. However, these people continue to need basic health, education and other services, despite the fact that the Belizean authorities have acted to regularize foreigners by granting them temporary work permits and citizenship. However, managing immigration in Belize remains a major challenge for the government, especially in terms of integration and social cohesion.²⁵⁸

220. With regard to permits, REDESCA learned that IOM signed an Implementation Agreement with the Ministry of Foreign Affairs, Foreign Trade and Immigration of Belize to support the Records

²⁵⁴ Statistical Institute of Belize, [Consumer Price Index](#), November 24, 2021

²⁵⁵ BBN [Ministry of Education greenlights reopening of schools despite third wave of COVID-19- says virus isn't going anywhere](#), October 1, 2021

²⁵⁶ BBN [Ministry of Education greenlights reopening of schools despite third wave of COVID-19- says virus isn't going anywhere](#), October 1, 2021

²⁵⁷ The Republic, [Return to face-to-face classes: Peru at the level of Cuba, Guatemala and Belize, according to UNICEF](#), October 27, 2021.

²⁵⁸ IOM [Belize](#), retrieved 16 December 2021

Management Unit of the Department of Nationality and Passports (RMU) under the Western Hemisphere Programme (WHP). The WHP is a regional project funded by the State Department's Bureau of Population, Refugees and Migration (PRM) that aims to strengthen the personal capacities of governments and civil society actors to manage migration in a sustainable and humane manner. One of the key functions of the programme would be the replacement of lost, mutilated or damaged Permanent Residence and Nationality Certificates to support migrants to obtain permanent residence status, so they can become citizens. In this regard, the REDESCA considers that this type of project is relevant because it regularizes the situation of migrants in the country and makes it possible for them to enjoy economic, social and cultural rights more quickly and effectively.²⁵⁹

²⁵⁹ Beliza Immigration, [IOM Belize signs agreement with Ministry of Foreign Affairs, Foreign Trade and Immigration to support document digitization exercise](#), 10 March 2021

6) BOLIVIA

221. Regarding the situation of ESCER in Bolivia, the Office of the Special Rapporteur has followed up on the enjoyment of the right to health in the country, taking special note of the impacts of the pandemic on this right, as well as the responses and measures adopted by the State, for example, with regard to fiscal or economic policies. Likewise, the REDESCA has monitored the environmental situation of the country, observing the various climatic phenomena that occurred with concern, especially with regard to heat sources. On the other hand, the mandate has been following the enjoyment of the right to education and labor and trade union rights, as well as the situation of human mobility, particularly at the country's borders. All of the above is developed in detail below.

A. Right to Health and its Social Determinants

222. The REDESCA, through its monitoring mechanisms, has been monitoring the impacts of the pandemic on the enjoyment of the right to health, as well as the social determinants of it. According to information received, from March 2020 to November 10, 2021, a total of 518,870 infections and 18,970 people have died. However, during the course of the pandemic, the REDESCA has learned about complaints that question the death figures, which are not updated while there are "surplus deaths" that would not be registered in official data.²⁶⁰²⁶¹

223. In addition, faced with a second wave that had exceeded 2,000 daily infections and the possibility of a collapse of intensive care units, between the months of May and June, in the midst of a slow vaccination process, Bolivia went through a third wave of COVID-19 infections that became more virulent and lethal than the previous two, reaching more than 3,000 people infected per day and a record of 124 deaths per day. Due to the sustained increase in cases, five regions were blocked. This situation occurred in a context of a critical situation of collapse of health centers, shortage of specific medicines for treatment against the disease and lack of oxygen tanks. The cities most affected by the third wave were the cities of Cochabamba and Santa Cruz.²⁶²²⁶³²⁶⁴²⁶⁵²⁶⁶

224. On the other hand, in this context of pandemic observed in the country, the REDESCA has received information about the discovery of 19 corpses wrapped in plastic bags on the floor of the National Health Fund (CNS) of Cochabamba. This situation occurs within critical circumstances in which the clinics find themselves, which would be overwhelmed, without counting medicinal oxygen and the cemeteries no longer admit bodies. Likewise, with respect to the pandemic context, the

²⁶⁰ Google, [covid news](#), October 24, 2021

²⁶¹ The Press, [They warn that the number of deaths from Covid-19 in Bolivia is much higher than the official one](#), June 30, 2021

²⁶² Voice of America, [Bolivia: Health sector in emergency due to COVID-19 resurgence](#), 18 January 2021

²⁶³ France 24, [Among records of infections and deaths, the health crisis in Bolivia is complicated](#), 28 May 2021

²⁶⁴ EFE Agency, [Bolivia reports another 124 deaths from covid-19, a new daily record](#), June 16, 2021

²⁶⁵ NewsFides, [Five regions assume restrictions due to overflow of Covid-19 infections](#), May 15, 2021

²⁶⁶ EFE Agency, [Lack of oxygen and saturation of hospitals suffocate two Bolivian cities](#), May 27, 2021

- REDESCA notes that, at the end of October, Bolivia faced a fourth wave of COVID-19 infections.²⁶⁷²⁶⁸²⁶⁹
225. Given this, the REDESCA reminds the State of Bolivia that, as established by Resolution 1/2020 of the IACHR on Pandemic and Human Rights in the Americas, it must guarantee that the measures adopted to face the pandemic and its consequences incorporate as a priority the content of the human right to health and its basic and social determinants, which relate to the content of other human rights, such as life and personal integrity and other ESCERs, such as access to drinking water, access to nutritious food, access to means of cleaning, adequate housing, community cooperation, mental health support, and integration of public health services.²⁷⁰
226. Regarding the consequences of COVID-19 on other rights, the REDESCA expresses its concern about the situation of child malnutrition in different regions of the country that was exacerbated due to the impact of the coronavirus pandemic. In relation to this, the Director of Programmatic Quality of World Vision Bolivia pointed out that the lack of employment and economic resources impaired the food security of families, which had a special consequence for children who have a decrease in their diet.²⁷¹²⁷²
227. The REDESCA expresses its concern about the contagion of COVID-19 particularly in the case of children and adolescents since the Departmental Health Service (Sedes) reported that 5 more children tested positive for COVID-19 in the month of October, and that the positivity rate rose to 6%, when the previous week it was only 5%.²⁷³
228. With regard to the measures that were adopted within the framework of the pandemic, the REDESCA received information about the fact that on February 17, 2021, the National Government promulgated a new Health Emergency Law (Law number 1359) to face, with new regulations, the COVID-19 pandemic. This law prohibits, among other things, the suspension of medical care during the health emergency and regulates the hiring of medical personnel and the costs of services in private clinics in cases of COVID-19. In addition, in order to expedite the delivery and application of vaccines, the government implemented a policy of dose distribution directly with the municipal governments and no longer with the governorates.²⁷⁴²⁷⁵²⁷⁶
229. With regard to access to vaccines to combat the COVID-19 pandemic, the REDESCA notes that, at the end of January 2021, Bolivia received the first shipment of vaccines against the virus. Since then, the REDESCA has observed that the inoculation process has been interrupted on different

²⁶⁷ Page Seven, [Covid-19: they denounce that CNS Cochabamba stores 19 corpses without biosecurity](#), 26 May 2021

²⁶⁸ Duty, [They denounce that the CNS gathers 19 corpses in unsanitary conditions in Cochabamba](#), 26 May 2021

²⁶⁹ Last Minute, [Bolivia warns of fourth wave after new rise in cases](#), 25 October 2021

²⁷⁰ IACHR, REDESCA, [Resolution 1/2020 - Pandemic and Human Rights in the Americas](#), April 10, 2020

²⁷¹ The Word, [Covid-19 pandemic exacerbated child malnutrition in different regions of Bolivia](#), 22 September 2021

²⁷² Ibid

²⁷³ The Times, [They identify 5 more children with Covid-19 and raise positivity to 6%](#), 7 October 2021

²⁷⁴ Lexivox, [Bolivia: Sanitary Emergency Law](#), February 17, 2021

²⁷⁵ SwissInfo, [Bolivian President Promulgates Law Resisted by Health Personnel](#), 18 February 2021

²⁷⁶ The Times, [Arce authorizes delivery of vaccines to mayors to speed up campaign](#), 01 August 2021

occasions in a framework of contradictory messages from the authorities, added to the lack of availability of vaccines and delays in their delivery. As of August, more than 5 million vaccines had been applied between the first and second doses of the drugs from Sputnik V, AstraZeneca, Sinopharm, Pfizer and Johnson & Johnson (obtained both by direct purchase and through the international COVAX mechanism) of which almost 3 million were injected as a first dose to essential personnel such as health professionals, teachers, seniors, over 18 and pregnant women, and 2 million as a second dose. However, difficulties were observed for people to complete the vaccination schedule provided by the authorities, such as, for example, the delay in the arrival of vaccines in the country.²⁷⁷²⁷⁸²⁷⁹²⁸⁰

230. Despite this delay in the month of August, the REDESCA notes that the country's authorities announced that in September the number of doses necessary to immunize 100% of the vaccinable population was reached, because the doses have been obtained for the 7.2 million people that make up this population. In relation to this, on October 19 the application of third doses to people over 18 years of age began. Likewise, from the Government of Bolivia it was reported that on October 19 more than one million Pfizer vaccines of the Covax mechanism will arrive in the country for minors between 16 and 17 years old. This was confirmed by the National Director of the Expanded Programme on Immunization. The REDESCA notes that, despite these important efforts to obtain vaccines to inoculate the population, 8 months after the vaccination process against COVID-19 has begun, the Ministry of Health in conjunction with the Departmental Health Services (Sedes) indicated that by October 2021 almost 50% of the vaccine population fully immunized against the virus has been reached, There is still 20% more to vaccinate so that a collective immunization is achieved, noting the problem that, despite the fact that a large number of doses have been made available to the population, there is little influx of people to vaccination centers.²⁸¹²⁸²²⁸³²⁸⁴²⁸⁵

231. Given this situation and with the premise of lowering the case fatality rate and positive cases of COVID-19 in Santa Cruz, the REDESCA notes that the Ministry of Health and Sports inaugurated on October 26 three vaccination centers against the virus in the capital of Santa Cruz, the region most affected by COVID-19. In this regard, in addition, the REDESCA received information regarding the fact that the Bolivian Government reported on November 9 that it was decided to extend

²⁷⁷ The Duty, [The 20,000 Russian vaccines are already in Bolivia](#), 28 January 2021

²⁷⁸ The San Diego Union-Tribune, [Vaccine shortage complicates health plan in Bolivia](#), 06 April 2021

²⁷⁹ ATB Digital, [Bolivia exceeds five million vaccinated](#), August 14, 2021

²⁸⁰ France 24, ["We need the second dose": uncertainty in Bolivia due to shortage of Russian vaccine](#), 06 August 2021

²⁸¹ Debate [They made it! Bolivia gets vaccines against Covid-19 for the entire population of legal age](#), 20 September 2021

²⁸² EFE Agency, [Bolivia begins the application of the third doses against covid-19](#), October 19, 2021

²⁸³ Viva Nicaragua Canal 13, [Bolivia announces that adolescents will be immunized with the Pfizer vaccine](#), October 6, 2021

²⁸⁴ Network One, [More than 1 million Pfizer vaccines will arrive in Bolivia this Saturday](#), October 20, 2021

²⁸⁵ The Fatherland, [Bolivia reaches 50% of the population vaccinated against Covid-19, but is far from herd immunity](#), 18 October 2021

- vaccination against COVID-19 to children over 12 years of age with the authorization of their parents or guardians, for which Pfizer drugs will be used.²⁸⁶²⁸⁷
232. With regard to the handling of official data on the distribution of applied doses, the REDESCA has been aware of deficiencies and contradictions. On the one hand, departmental authorities and health workers warn of a shortage while from the Ministry of Health reject this and ensure that the doses are guaranteed. In addition, the REDESCA has learned about long lines of people, many of them older adults, waiting to be inoculated in the main vaccination centers of cities such as Santa Cruz, Cochabamba, El Alto and La Paz.²⁸⁸²⁸⁹²⁹⁰
233. In addition to this, the REDESCA takes note of different complaints related to corruption cases around the distribution of the first doses arrived in the country. In this sense, a case of knowledge by REDESCA was during the distribution of the first doses where managerial and administrative personnel of private clinics were inoculated when the medical staff had not yet been vaccinated in their entirety, contrary to the vaccination program provided by the national authorities. It was also learned that the Government had saved doses to inoculate 63 people clandestinely in the city of Santa Cruz.²⁹¹²⁹²
234. In this connection, the REDESCA notes a case in which a senior health official was arrested for allegedly stealing several doses for family use. Taking into consideration these reported cases, the REDESCA recalls that States have a reinforced duty to apply inter-American standards on transparency, access to public information, and the fight against corruption. It also recalls the obligation to eradicate corruption in the field of distribution and application of vaccines.²⁹³²⁹⁴
235. In this regard and mentioning the particular case of the country's indigenous populations, although the REDESCA recognizes the efforts made by the State to advance in their inoculation, it has also heard complaints made by members of indigenous and rural peoples about disinformation and lack of government support on issues related to the pandemic and vaccination plans. Also, several communities said they were afraid of the inoculation process and were confused by its effects in the absence of official information. In addition, REDESCA obtained information that, due to isolation measures and restrictions resulting from the health emergency and the lack of vaccines, indigenous groups prevented from accessing medicines or health care facilities were turning to their own health system and traditional medicines to cope with the effects of COVID-19. An aspect of special importance for the Office of the Special Rapporteur ESCER

²⁸⁶ The Duty, [Inauguration of a night vaccination campaign against Covid-19 in Santa Cruz de la Sierra](#), 26 October 2021

²⁸⁷ The Diario.es, [Bolivia expands vaccination against covid to children over 12 years old](#), November 9, 2021

²⁸⁸ Opinion [COVID-19: contradictions found in anti-covid vaccination figures](#), 09 April 2021

²⁸⁹ Ibid

²⁹⁰ EFE Agency, [Long and eternal lines to access vaccines that are already scarce in Bolivia](#), 07 June 2021

²⁹¹ The Times, [Deputy Minister denounces use of anti-Covid vaccines in managers and heads of Social Security](#), 20 February 2021

²⁹² The Times, [Denunciation of "diversion" of vaccines against Covid unleashes political struggle](#), 02 March 2021

²⁹³ Infobae, [Bolivia: High health official arrested for stealing vaccines for relatives](#), 21 April 2021

²⁹⁴ IACHR, Resolution 1/2021 [Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021

is the situation of health professionals, a key and especially vulnerable group on the front line against COVID-19. In this regard, information was provided on the complaints made in relation to this and in line with what was expressed in Resolution 1/2020, the REDESCA reminds the state of Bolivia that it must ensure the availability and timely provision of sufficient amounts of biosecurity material, supplies and essential medical supplements for the use of health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources aimed at facing this type of health emergency situations.²⁹⁵²⁹⁶²⁹⁷²⁹⁸²⁹⁹³⁰⁰

236. With regard to the enjoyment of the right to health in Bolivia, the REDESCA takes note of the initiative launched by the Ministry of Health and Sports with the support of the Pan American Health Organization called HEARTS with the involvement of 73 first-level health facilities, whose purpose is to promote the adoption of best practices in the prevention and control of cardiovascular diseases and improve the performance of services, through better control of hypertension and the promotion of prevention and secondary care with emphasis on primary health care.³⁰¹

237. With regard to sexual and reproductive health, the REDESCA expresses its concern over the case of an 11-year-old girl who was the victim of continuous sexual abuse by a 60-year-old relative, resulting in a forced and involuntary pregnancy. In Bolivia, since 2014 a person can access a legal and safe abortion in cases where the pregnancy is the result of rape, incest, statutory rape or if as a result of pregnancy their life or health is in danger. Although at first the girl expressed her willingness to terminate the pregnancy by formally submitting the request, she later indicated the will to continue with it. The REDESCA reminds the Bolivian State that in cases of forced pregnancy resulting from sexual violence, in accordance with current international human rights standards, all girls, adolescents and women must have access to a legal and safe interruption of these pregnancies. In this regard, the Office of the Special Rapporteur adheres to the IACHR, reiterating the essential nature and essential nature of sexual and reproductive health services for the

²⁹⁵ Opinion [Remote Uru Chipaya indigenous people in Bolivia receive covid vaccine](#), July 23, 2021

²⁹⁶ Eju, [The vaccine, a hope that looks far away in Bolivia's rural municipalities](#), 21 March 2021

²⁹⁷ The Times, [Indigenous peoples, ancestral medicine and doubts about the vaccine](#), 26 July 2021

²⁹⁹ Eju, [Bolivia's hospitals do not operate fully due to the non-renewal of 5.000 contracts](#), 13 January 2021

³⁰⁰ OAS, IACHR, [Resolution 1/2020 Pandemics and Human Rights in the Americas](#), April 10, 2020

³⁰¹ PAHO [HEARTS begins in Bolivia as the initiative that will be a model for cardiovascular risk management](#), 30 September 2021

realization of the rights of women and girls to life, equality and non-discrimination, personal integrity, health, dignity, and access to information, among others.³⁰²³⁰³³⁰⁴³⁰⁵³⁰⁶

238. Likewise, with respect to the aforementioned case, the REDESCA highlights the Press Release where the IACHR urges the State of Bolivia to protect girls and adolescents from sexual violence and forced pregnancy, as well as to guarantee the exercise of their sexual and reproductive rights, taking into account the particular situation of vulnerability they face due to gender and age. in application of the national and international regulatory framework.³⁰⁷

B. Climate Emergency and Human Right to Water

239. In relation to climate change and the impact it has on the enjoyment of Economic, Social, Cultural and Environmental Rights, and in particular with regard to access to water, the REDESCA expresses its concern about the retreat of Bolivia's Tuni glacier, located 60 km from the city of La Paz, which has accelerated in recent years as a result of global warming. The freshwater source represented by the glacier has fed rivers whose water is used for irrigation and represents at least 20% of the water supply of the city of La Paz. Specialists say that his disappearance is imminent. Related to this, the Office of the Special Rapporteur also expresses its concern about the alarming state of drought that Lake Poopó, the second largest lake after Lake Titicaca, is going through. The use of its water flow for mining and agricultural exploitation added to the extensive periods without rains and its evaporation as a result of the warming of the earth, are causing the rapid advance towards its total disappearance.³⁰⁸³⁰⁹³¹⁰

240. Likewise, the REDESCA takes note and expresses its concern about the registration of 53,073 heat sources accumulated in August, 24,365 more than what was registered in July, according to the Center for Autonomous Territorial Planning (CPTA), dependent on the Center for Legal Studies and Social Research (CEJIS). This year alone, Bolivia has lost one and a half million hectares to fire, according to studies by environmental foundations, demonstrating the veracity of these numbers with more than 1,233 satellite images processed. The REDESCA expresses its concern at the fact

³⁰² BBC [The controversial case of an 11-year-old girl raped by a relative who stopped her abortion by the intervention of the Catholic Church in Bolivia](#), October 29, 2021

³⁰³ Time, [The case of an 11-year-old girl raped who interrupted an abortion process](#), October 29, 2021

³⁰⁴ Daily listin, [The case of an 11-year-old girl pregnant by rape shocks Bolivia](#), October 24, 2021

³⁰⁵ United Nations General Assembly. Report of the Special Rapporteur against Torture, Cruel, Inhuman and Degrading Treatment, Juan Méndes. A/HRC/16/52, Human Rights Council, Sixteenth Session, Agenda Item 3, 3 February 2011.

³⁰⁶ IACHR, [IACHR Urges States to Guarantee Sexual and Reproductive Health Services for Women and Girls in the Context of the COVID-19 Pandemic](#), September 14, 2020

³⁰⁷ IACHR, [The IACHR Urges the State of Bolivia to Fulfill its Obligation to Protect Girls and Adolescents from Sexual Violence and Guarantee Their Sexual and Reproductive Rights](#), November 2, 2021

³⁰⁸ Reuters [Bolivia's Tuni Glacier is disappearing, which would exacerbate water shortages in La Paz](#), 04 January 2021

³⁰⁹ DW [Tuni Glacier about to disappear](#), 04 January 2021

³¹⁰ Profile [Bolivia's Lake Poopó dries up and causes ecological disaster](#), 09 August 2021

that the fires have not been controlled and, according to environmental experts, the consequences on the ecosystems consumed by fire are very worrying.³¹¹³¹²³¹³

241. In relation to the heat sources, the REDESCA notes that brigades had to be deployed to collaborate in the arrest of a fire outbreak in the Tunari National Park. Faced with this situation, the Head of the Risk Management Unit said that immediate action is needed in the face of these facts that have their origin in bad practices on the part of the community members of the area that, when not controlled, unleash the fires involving action by the Brigades. Related to this, the REDESCA received information that, in November, Bolivia's mountainous capital has been hit by an unusual heat wave for weeks: ultraviolet (UV) radiation is very high and there are unusually few clouds. Scientists blame this phenomenon for climate change.³¹⁴³¹⁵
242. In relation to energy management, the REDESCA learned that the Bolivian authorities announced the commissioning of three wind farms in the country as a result of the reactivation of renewable and clean energy generation projects, which contributes to the enjoyment of the right to a healthy environment.³¹⁶
243. Observing all these facts, the REDESCA recalls its pronouncement what it mentioned together with the United Nations Special Rapporteur on human rights and the environment, calling on the States of the region to strengthen the protection of the environment during the COVID-19 pandemic.³¹⁷
244. With regard to the United Nations Climate Change Conference, COP26, the REDESCA takes note of the active role that Bolivia has played in the climate negotiations since 2006, and that the president of the Conference, during his visit to the country in August 2021, highlighted the role of indigenous peoples and their knowledge about the care of Mother Earth.³¹⁸
245. In this sense, REDESCA takes note and underlines what was expressed by the President of Bolivia, who raised some proposals for the United Nations Framework Convention on Climate Change (COP26), which took place from November 1 to 12, 2021. The President established that the only real solution to limit the increase in temperature, beyond 1.5 °C, is through the distribution of the carbon budget among countries, based on criteria of climate justice and based on the principle of common but differentiated responsibilities. He also mentioned the need for international cooperation, such as the recovery of the knowledge, practices and experiences of indigenous nations and peoples in the construction of societies and ecosystems with resilience to climate change. In addition, he noted the importance of seeing an urgent strengthening in the acceleration

³¹¹ The Country, [Bolivia accumulated 53.073 hot spots in August](#), 13 September 2021

³¹² Page seven, [Emergency in the unprotected areas of Bolivia](#), September 15, 2021

³¹³ CNN [Forest fires on the rise in Bolivia and the consequences on the environment are worrying](#), 19 September 2021

³¹⁴ The Journal, [Brigades deployed to put out fires](#), 18 October 2021

³¹⁵ Tele Orihuela, [Extreme levels of ultraviolet radiation burn the inhabitants of Bolivia's mountainous regions](#), November 3, 2021

³¹⁶ News, [Bolivia puts three wind farms into operation in a new commitment to renewable energies](#), 22 September 2021

³¹⁷ IACHR, [The Americas: Governments should strengthen, not weaken, environmental protection during the COVID-19 pandemic, CP no. 198/20](#), August 13, 2020

³¹⁸ EFE Agency, [COP26 President Highlights Indigenous People in Caring for Mother Earth](#), August 3, 2021

of countries' efforts against the climate crisis, in particular of approaches that are not based on carbon markets. He also pointed out the need to strengthen and recognize the contribution to the economy and preservation of nature made by peasant and indigenous producers.³¹⁹³²⁰

C. Business and Human Rights

246. In relation to business activities and their impact on the enjoyment of ESCER, both the IACHR and the REDESCA have been clear on the importance of the recognition and strict compliance with inter-American standards for the realization of the right to consultation and free, prior and informed consent in those cases where, as a result of business activity, the rights of indigenous or Afro-descendant peoples are at stake. They also underline the obligation of States to ensure participatory and inclusive spaces for all those who may be affected. In this regard, the Office of the Special Rapporteur had information that the organizations of the Lecos Indigenous Peoples and Indigenous Communities of Larecaja denounced that the Jurisdictional Authority of Mining Administration (AJAM), under the Ministry of Mining, authorized the exploitation of resources from their ancestral lands without complying with the requirement of prior, free, and informed consultation.³²¹³²²

247. The REDESCA is concerned about the results of the research carried out by the International Pollutant Removal Network (IPEN) regarding women from the Eyiyo Quibo and Portachuelo indigenous peoples of Bolivia, located on the banks of the Beni River, which currently suffers from the uncontrolled exploitation of gold by dredgers in China, Brazil and Bolivia. These two indigenous communities do not participate in mining activities or gold mining, but 93.7% of the women studied had an excess in the threshold level of 1 ppm and 0.58 ppm of mercury. After the analysis was concluded by IPEN, that because its diet was based on fish extracted from the Beni River, it is clear to the researchers that excessive levels of mercury arise from the high levels of pollution of the Beni River system. The REDESCA is also concerned about the report that pollution, social conflicts and conflict associated with gold mining have an increasing impact on indigenous communities, and in the case of the peoples of Eyiyo Quibo and Portachuel, concern is expressed about the negative impact of small-scale gold mining, polluting the river and the fish that inhabit it with mercury. While the 2 peoples mentioned above have been specifically studied, the REDESCA notes that IPEN is concerned that other indigenous peoples in the region, who similarly rely on fish in their diet, may experience similar levels of mercury poisoning.³²³³²⁴

248. In this sense, the REDESCA emphasizes that States must implement measures to preserve the environment and protect it from damage, pollution and climate change, whether caused by public or private actors. Likewise, the REDESCA recalls that actions aimed at the protection of the right to a healthy environment not only imply a formal recognition of such a right, they must also be

³¹⁹ InfoRSE, [Bolivia proposed 4 proposals for the United Nations Framework Convention on Climate Change \(COP26\)](#), October 11, 2021

³²⁰ Ibid

³²¹ IACHR and its REDESCA, [Business and Human Rights: Inter-American Standards](#), OEA/Ser.L./V/II, para. 49, November 1, 2019

³²² The Times, [Indigenous people of northern La Paz declare an emergency and call for a march against mining subjugation](#), 27 July 2021

³²³ IPEN, [mercury exposure of women in four Latin American gold-producing countries](#), June 2021

³²⁴ Ibid

accompanied by the fulfillment and effective application of its content. This is materialized not only in the fulfillment of the state obligations to respect and guarantee the human rights previously developed but also in the protection of environmental defenders and the consequent actions required of companies in relation to the right to a healthy environment and the fight against climate change.³²⁵³²⁶

D. Labor and Trade Union Rights

249. With regard to the protection of labor and trade union rights, the REDESCA notes that the Minister of Development Planning reported that the unemployment rate in Bolivia as of July 2021 fell to 6.4% compared to the same period in 2020, when the level of unemployment was 11.6%.³²⁷

250. On the other hand, the Office of the Special Rapporteur observes that, with the discourse focused on defending health, the Bolivian government promulgated in February the Health Emergency Law that establishes several provisions, among them are the control of the prices of services in private centers, of treatments and medicines, the direct hiring of foreign doctors and the prohibition of any type of mobilization such as strikes or protests by the health personnel. In addition, the law simplifies the requirements and procedures for the hiring of professional and technical health personnel, graduates and / or medical students and retired doctors, being able, in the case of lack of human resources, to hire medical professionals who have completed their studies abroad. Faced with this situation, the REDESCA observes that the new law would not have been agreed with the health workers or the unions that represent them, who have demanded the repeal of the law for unconstitutionality. In this context, health workers announced general strikes across the country that have lasted for more than 20 days.³²⁸³²⁹³³⁰³³¹³³²

251. Also, in July, the government issued Supreme Decree 4542, which regulates Law 1359 on Health Emergency, and ratified the prohibition of the suspension or interruption of health services. On the other hand, the rule also sets the profit on the price of medicines at 25%. Faced with this, health personnel affirmed that the law violates their right to protest and that it violates the competences of subnational governments.³³³³³⁴

³²⁵ IACHR and its REDESCA, [Business and Human Rights: Inter-American Standards](#), OEA/Ser.L./V/II, para. 242, November 1, 2019

³²⁶ REDESCA, [Business and Human Rights: Inter-American Standards](#), OEA/Ser.L./V/II, para. 243, November 1, 2019

³²⁷ The Country, [The unemployment rate in Bolivia drops to 6.4% as of July 2021](#), August 30, 2021

³²⁸ SwissInfo, [Bolivian health sector declares strike against health emergency law](#), 18 February 2021

³²⁹ Ibid

³³⁰ News, [Bolivia.- Arce enacts a Health Emergency Law despite the rejection of the health sector and the threats of unemployment](#), 18 February 2021

³³¹ The Duty, [Doctors ratify indefinite strike after enactment of the Health Emergency Law](#), 18 February 2021

³³² The Reason, [In 20 days of unemployment, the Government sees 80% of services normally and doctors launch new threat](#), 04 March 2021

³³³ Eju, [Government issues regulation of the Emergency Law: prohibits health stoppages and limits to 25% gain in cost of medicines](#), July 15, 2021

³³⁴ The Times, [Doctors reject decree that criminalizes health protests](#), 16 July 2021

252. The REDESCA reminds the State of Bolivia that when issuing emergency and containment measures in the face of the COVID-19 pandemic, the States of the region must carry out all their efforts to apply intersectional perspectives and pay special attention to the needs and differentiated impact of these measures on the human rights of the most vulnerable groups during the COVID-19 pandemic such as health professionals.³³⁵
253. With regard to the effective enjoyment of labor and trade union rights, the Office of the Special Rapporteur on ESCER welcomes the Government's approval of Supreme Decree 4589, which allows domestic workers to join the National Health Fund (CNS) and thus have social security.³³⁶

E. Fiscal and Economic Policies

254. Faced with the panorama and context of the COVID-19 pandemic, the REDESCA notes that the authorities have provided direct aid payments of approximately US\$73 per child to public school households, a measure that was calculated to provide benefits to the poorest households. In addition, the REDESCA notes that the Government instituted a family basket program to make direct payments for food to 1.5 million families, and to pay electricity bills for a period of 3 months and pay for 50 percent of drinking water and gas for all households. Recognizing such measures, the REDESCA encourages the integration of a human rights approach into Bolivia's fiscal and economic policies, ensuring that all measures are aimed at ensuring the maximum of the resources available for the realization of the ESCER of the Bolivian population and to an economic recovery that takes particular consideration of the rights and needs of the groups in situations of greatest situation of vulnerability. As for taxes, the authorities postponed the payment of some of them such as corporate income tax, VAT and transaction tax, providing the possibility of paying them in tranches. In addition to highlighting the measures implemented, the REDESCA welcomes the importation of respiratory equipment worth 200 million US dollars, while doubling the capacity of the Intensive Care Unit. With regard to wages, REDESCA notes that, in May 2021, the national minimum wage was adjusted to 2,164 Bolivians, which represents an increase of just 2.0% in nominal terms with respect to the minimum wage in force since May 2019.³³⁷³³⁸

F. Education, science, technology: academic freedom and university autonomy

255. In a context of conflict over improvements in wage conditions and job security between trade union groups of teachers with the national government, the REDESCA notes that on the first of February most schools resumed their activities after their summer holidays, in a virtual modality, and some municipalities began to have blended classes, in particular rural schools that had not been affected by the second wave of COVID-19.³³⁹³⁴⁰

³³⁵ IACHR, [Resolution 1/2020. Pandemic and Human Rights in the Americas](#), April 10, 2020

³³⁶ Erbol, [The Government approves decree that allows the affiliation of domestic workers to the CNS](#), 28 September 2021

³³⁷ MFI, [POLICY RESPONSES TO COVID-19](#), 2 July 2021

³³⁸ ECLAC, [Economic Survey of Latin America and the Caribbean](#), 2021

³³⁹ The Times, [The dialogue between the Government and teachers is broken and they warn not to start classes](#), 19 January 2021

³⁴⁰ Sputnik [After a "lost" 2020, Bolivia resumes classes with a new system](#), 05 February 2021

256. Likewise, the Office of the Special Rapporteur notes that, as of July, the national government ordered the gradual return of children and adolescents to face-to-face classes, although in the most populated urban centers the return could be delayed due to the Delta variant. According to information received by the REDESCA, as of August, 2.2 million students in the regular system take classes remotely, while 634,000 are under the blended modality and 200,000 do so in person.³⁴¹³⁴²³⁴³
257. In relation to the university system, the REDESCA expresses its concern due to the fact that more than 40% of the students of the Universidad Mayor de San Andrés (UMSA) abandoned their studies since the pandemic began. Among the main causes of desertion are the digital divide; the lack of didactic and pedagogical adequacy of the distance teaching-learning process; distractions at home and, finally, the economic situation of the family. In relation to this, the REDESCA notes that, according to the World Bank, Bolivia is one of the countries in the region with the highest dropout rate as a result of the pandemic, which would be around 20%. In this sense, the REDESCA calls on the State of Bolivia to promote strategies in favor of avoiding student desertion and guaranteeing the effective enjoyment of the right to education, paying special attention to its accessibility, both in the virtual and face-to-face environment.³⁴⁴³⁴⁵
258. The REDESCA recognizes the efforts of the Government of Bolivia in the framework of continuing with the dictation of classes virtually or remotely, with the initiative of designing a platform that allows students to access internet services for free and equally.³⁴⁶ However, the lack of equipment and supplies for teachers and students (especially those belonging to more vulnerable groups) make it impossible for many children to be guaranteed access to education. In this regard, the REDESCA notes the increase in the enrollment of children and adolescents in rural schools that adopt the blended education system, given the difficulties involved in virtual education. In this regard, the REDESCA recalls that it is the obligation of the State to adopt all necessary measures to guarantee the right to education without discrimination.³⁴⁷³⁴⁸
259. On the other hand, it was noted by REDESCA that the Ministry of Education approved a range of discounts between 5% and 35% on school pensions due to factors such as virtual teaching due to the pandemic.³⁴⁹ To this end, the government instructed "to exercise punitive actions" against those private establishments that have not applied discounts for factors such as the virtual

³⁴¹ The San Diego Union-Tribune, [Students return to classrooms in Bolivia little by little](#), July 19, 2021

³⁴² The Duty, [Education sees complicated the return to face-to-face classes in capital cities](#), July 23, 2021

³⁴³ The Times, [2.2 million students pass classes remotely](#), 30 July 2021

³⁴⁴ Page Seven, [More than 40% of UMSA students dropped out of school](#), 02 August 2021

³⁴⁵ The Times, [WB estimates that Bolivia's school dropout rate rose to 20%, one of the worst in the region](#), 17 March 2021

³⁴⁶ Page Seven, [Students will be able to enter educational platform with two codes to have free internet access](#), 27 January 2021

³⁴⁷ The Country, [Bolivia's indigenous women protest their children's education](#), May 12, 2021

³⁴⁸ Eju, [In the absence of equipment and internet, minors are enrolled in schools in rural areas](#), 29 March 2021

³⁴⁹ The Reason, [Education instructs sanctions against private schools that have not applied discounts](#), 23 February 2021

modality of teaching. For its part, the association that brings together the private establishments affirms that this suspension directly affects them with the risk of closure of several of them.³⁵⁰³⁵¹

260. With regard to the face-to-face modality of the classes, REDESCA notes and welcomes that the return to them could be possible in 2022 after the vaccination against COVID-19 has been expanded for adolescents between 16 and 17 years old.³⁵²

G. Human Mobility and ESCER

261. Finally, with regard to Human Mobility and its impact on the enjoyment of ESCER, the Office of the Special Rapporteur expresses its concern about the deaths recorded by crossing unauthorized crossings on the border with Chile, which has become in recent months the usual route for foreigners to arrive in Chile irregularly.³⁵³ It also expresses its concern about the context of the above-mentioned border in terms of the situation faced by hundreds of foreigners with children, and about the Government's response to resuming the expulsion of these persons.³⁵⁴ To this is added the fact of the death of a 9-month-old baby when his family crossed the border between Bolivia and Chile, reaching with this case 16 migrants who died in the area until October 20.³⁵⁵

262. In this context, the REDESCA continues to observe in the exercise of its mandate that human mobility is particularly marked by the lack of access and enjoyment of ESCER in situations of border crossing, such as arrival in countries of transit or destination. Therefore, it calls on the State of Bolivia to take special account of the ESCER of people in human mobility in its social and health policies³⁵⁶

³⁵⁰ Ibid

³⁵¹ Eju, [ADECOP argues that the 35% reduction in school pensions is unsustainable](#), 23 March 2021

³⁵² Opinion [Education projects face-to-face classes in 2022 after announcement of vaccination to young people 16 and 17 years old](#), 7 October 2021

³⁵³ The times, [A Dominican citizen dies while crossing the border between Bolivia and Chile](#), 14 September 2021

³⁵⁴ Meganews, [Hundreds of foreigners cross from Bolivia to Chile despite the government's announcement to resume expulsions](#), 23 September 2021

³⁵⁵ DW [A migrant baby dies at the border between Bolivia and Chile](#), October 11, 2021

³⁵⁶ France24, [Bolivia, a risky step for Haitian migrants seeking to reach the U.S. USA.](#), September 8, 2021

7) BRAZIL

263. In relation to economic, social, cultural and environmental rights in Brazil, the REDESCA has been closely following the challenges that have arisen throughout 2021 regarding the right to health and its social determinants in the context of the pandemic. In the same vein, it follows with attention and concern the situation related to the right to a healthy environment and the climatic emergency conditions facing the country, particularly with regard to access to water, deforestation and the absence of protection for human rights defenders. In addition, the Office of the Special Rapporteur has monitored the impacts of business and human mobility on various ESCERS, following up, in particular, on the enjoyment of the rights to education and the labor and trade union rights of the population, as well as the fiscal and economic policies that have been adopted. Next, to comply with the strategic lines of the mandate agenda, each of these issues is developed in detail.

A. Right to Health and its social determinants

264. In relation to the right to health, the REDESCA notes with concern the significant impact that the pandemic has had on the enjoyment and enjoyment of this right. According to official data, Brazil accumulates 21,880,439 and the figure of 609,447 deaths until November 7, 2021.³⁵⁷

265. The Office of the Special Rapporteur takes note of and deeply regrets that, in 2021, Brazil became the leader in the average number of deaths linked to COVID-19, being among the five countries with the highest figures of the year (United States, Brazil, India, Mexico, and Peru, in descending order), registering 4,249 deaths linked to COVID-19 in a 24-hour period on April 8, 2021.³⁵⁸ In September, the Brazilian state was the second country with the highest absolute number of deaths from the virus globally and regionally.^{359,360}

266. Although the impact of COVID-19 profoundly affected the entire country, REDESCA, at the beginning of 2021, received information about the serious situation faced by the population residing in the state of Amazonas and its capital Manaus, due to the saturation of the health system and intensive care units due to the increase in the number of infections, as well as the shortage of medical supplies and oxygen due to increased demand. This situation would have led to a higher number of deaths in the state and would disproportionately affect the rural population, indigenous peoples, women, children and the elderly.³⁶¹

267. For this reason, the IACHR and its REDESCA issued Press Release No. 61/2021, in which Brazil was asked to adopt urgent and decisive measures to prevent and combat the pandemic, based on the best available scientific evidence and in accordance with the recommendations of specialized international organizations; as guidance campaigns on scientifically proven measures for risk

³⁵⁷ Ministério da Saúde, [Painel Coronavírus](#), November 8, 2021

³⁵⁸ CNN. Covid: Mesmo em queda, média de mortes diárias no Brasil ainda é maior do mundo e supera a de continentes inteiros, 14 July 2021

³⁵⁹ Brazil Agency, [Covid-19: Brazil beats record with 4,249 deaths registered in 24 hours](#), April 8, 2021

³⁶⁰ Gazeta do povo, [Map do coronavírus hair world](#), 21 September 2021

³⁶¹ IACHR/REDESCA, CP n. 61/2021 - [The IACHR and its REDESCA express their concern over the serious public health situation in Brazil in the face of COVID-19](#), 16 March 2021

- mitigation; strengthen transparency actions and access to public information, together with measures to combat the pandemic.³⁶²
268. On the situation in the state of Amazonas, the REDESCA, while deeply regretting the victims of COVID-19, welcomes that, as of October 19, there is an occupancy rate of less than 30% of hospital beds for patients with coronavirus in the state³⁶³, as well as that more than 88% of the vaccinated population in the municipality of Manaus has already received the first dose of the vaccine.³⁶⁴
269. Likewise, the REDESCA is concerned about the information received that the Brazilian government defended the thesis of herd (or herd) immunity by contagion (or transmission) as a form of response to COVID-19, spreading the belief that the "natural immunity" derived from infection by the virus would protect individuals and lead to the control of the pandemic, as well as estimates that would have lacked rigor on the number of deaths and the date of the end of the pandemic.³⁶⁵ In the same way, the incitement to expose the population to the virus and the non-compliance with preventive health measures, based on the denial of the severity of the disease, the apology of the value and the alleged existence of an early treatment for COVID-19, with the use of chloroquine and its derivative of hydroxychloroquine in the treatment protocol, is observed with concern.³⁶⁶ Also of concern is the unscientific information made by Brazil's president that COVID-19 vaccines were linked to the development of AIDS.³⁶⁷³⁶⁸
270. In this regard, the REDESCA, in accordance with Resolution No. 1/2021 of the IACHR, reminds the State of Brazil that information on the pandemic and vaccination must be of quality, objective and timely, and culturally appropriate, based on the best available scientific evidence, to prevent official voices from becoming vectors of disinformation.³⁶⁹
271. Given the allegations of omissions by the federal government, the lack of supplies during the pandemic, especially the lack of oxygen in Manaus, as well as the allegations of irregularities in the use of the Union's resources by the states, the Federal District and the municipalities, the REDESCA learned that the president of the Federal Senate of Brazil decided in April 2021 to install an expanded Parliamentary Commission of Investigation (CPI).³⁷⁰
272. The REDESCA notes with immense concern that, according to the information disclosed by investigators in the Parliamentary Commission of Inquiry (CPI), the acts of action and omission of the Brazilian government in conducting the confrontation of the pandemic resulted in a high

³⁶² IACHR/REDESCA, CP n. 61/2021 - [The IACHR and its REDESCA express their concern over the serious public health situation in Brazil in the face of COVID-19](#), 16 March 2021

³⁶³ Amazon. FVC, [Painel COVID-19 Amazon](#), October 19, 2021

³⁶⁴ Prefeitura de Manaus, [Vacinômetro](#), October 19, 2021

³⁶⁵ Federal Senate, [CPI Pandemic: Final Report](#), October 26, 2021, p. 50

³⁶⁶ CEPEDISA. USP [A linha do tempo da estratégia federal de disseminação da covid-19](#), 28 May 2021, p. 3

³⁶⁷ CEPEDISA. USP [A linha do tempo da estratégia federal de disseminação da covid-19](#), 28 May 2021, p. 3 and 45

³⁶⁸ Reuters. [Facebook takes down Bolsonaro video over false vaccine claim](#), 25 October 2021

³⁶⁹ IACHR. Resolution 1/2021, [Vaccines against covid-19 within the framework of inter-American human rights obligations](#), 6 April 2021, para. 11

³⁷⁰ Senate [CPI da Covid é criada com objetivos ampliados](#), 13 April 2021

mortality rate from COVID-19 in Brazil, so that 4 out of 5 deaths that occurred could have been avoided, that is, more than 400,000 deaths would not have occurred. In this regard, it should be noted that, in the country, 2,345 people died from the coronavirus per million inhabitants; the world average is 494 people.³⁷¹ According to the researchers, structural inequalities influenced the high mortality rates, which mainly affected the Afro-descendant and indigenous population, and people with low incomes and little education. In the third phase of the pandemic in the country, 7.8% of indigenous people had contact with the coronavirus, compared to 1.7% of whites, 7.9% of people of African descent and 3.6% of yellows. As for vaccination, according to the information collected in the CPI, Brazil, in 2021, reached the 4th position in absolute number in doses applied, but the 78th country that vaccinated the most with one dose and the 85th with the immunized population. The researchers warned that the delay in the purchase of vaccine vaccines would have caused between 95.5,000 and 145,000 deaths.³⁷²³⁷³

273. In addition, the Office of the Special Rapporteur expresses its deep concern with the information contained in the final report of the ICC released on October 26, 2021, and with the conclusion that the Parliamentary Commission "gathered evidence that overwhelmingly demonstrated that the federal government was negligent and chose to act in an untechnical and careless manner when facing the pandemic of the new coronavirus, deliberately exposing the population to a concrete risk of mass infection. [...] At the same time, there was a deliberate delay in the acquisition of vaccines, in a clear disregard for people's lives."³⁷⁴

274. Given this panorama and in the current circumstances, the REDESCA recognizes the work of the senators, and warns the State of Brazil that it is the duty of the authorities to inform the population in an exhaustive way, under a differential and intercultural approach, as well as to act with diligence and with a reasonable scientific basis in decision-making. These measures should ensure an approach focused on the comprehensive protection of human rights, in accordance with Resolution 1/2020 on Pandemic and Human Rights in the Americas, Resolution 4/2020 on the Rights of Persons with COVID-19, and Resolution 1/2021 on Vaccines and Human Rights.³⁷⁵

275. Regarding vaccination, the REDESCA notes that 281,066,476 doses were applied until November 8, 2021. Of this total, 157,394,580 people received the first dose – which represents more than 73% of the Brazilian population – and 123,671,574 the second or only one – about 56% of the Brazilian population. Starting in September 2021, the country's Ministry of Health began offering

³⁷¹ Agência Senado, [Pesquisas apontam que milhares de mortes por covid poderiam ter sido evitadas no Brasil](#), June 24, 2021

³⁷² Agência Senado, [Pesquisas apontam que milhares de mortes por covid poderiam ter sido evitadas no Brasil](#), June 24, 2021

³⁷³ Agência Senado, [Pesquisas apontam que milhares de mortes por covid poderiam ter sido evitadas no Brasil](#), June 24, 2021

³⁷⁴ Federal Senate, [CPI Pandemic: Final Report](#), 26 October 2021, p. 1271/1272

³⁷⁵ IACHR/REDESCA, CP n. 61/2021 - [The IACHR and its REDESCA express their concern over the serious public health situation in Brazil in the face of COVID-19](#), 16 March 2021

- a booster dose of the COVID-19 vaccine for people over the age of 70 and immunocompromised people.³⁷⁶³⁷⁷
276. The vaccines adopted by the country's Unified Health System (SUS) went through all the necessary steps for the creation of a new immunization and meet the scientific criteria adopted by the National Health Surveillance Agency (Anvisa). The Astrazeneca/Oxford and Pfizer vaccines have definitive registration. Janssen and CoronaVac were approved for emergency use. As of September, Covaxin and Sputnik-V were being analyzed by Anvisa.³⁷⁸
277. According to the information sent to REDESCA by the State of Brazil, the National Plan for the Operationalization of Vaccination against COVID-19 (PNO), launched on December 16, 2020, took into account the experience accumulated by Brazil in the National Immunization Program (PNI), the largest public vaccination program in the world, which has a network of more than 38,000 vaccination rooms spread throughout the Brazilian territory. Vaccination began on January 18, 2021.³⁷⁹
278. The REDESCA appreciates the information received, welcoming the fact that vulnerable populations have been prioritized and taken into account in the Vaccination Plan adopted by the country, as well as that it has as a reference the Social Determinants of Health (SDH) in the characterization of risk and death groups and in the definition of priority groups for vaccination. In this sense, the following populations were classified as priority groups for vaccination: people aged 60 years or older institutionalized; persons with institutionalized disabilities; indigenous people living on indigenous lands; health workers; persons aged 75 years or over; traditional peasant villages and communities; traditional quilombola peoples and communities, people aged 60 to 74, people with comorbidities; people with severe permanent disabilities; homeless people; population deprived of liberty; employees of the deprivation of liberty system; workers in basic education (nursery, pre-school, primary, secondary, vocational training and youth and adult education - EIO); higher education workers; security and rescue forces; armed forces; workers in the collective transport of passengers by road; metro and rail transport workers; air transport workers; water transport workers; truck drivers; dock workers; industrial workers.³⁸⁰
279. According to government data, Brazil is offering free and universal COVID-19 vaccines to more than 176 million people over the age of 12, including residents, non-residents, migrants and refugees.³⁸¹ As for indigenous people, as of October 1, 2021, 358,299 indigenous people (88% of the population) had already received the first dose of the vaccine, and another 328,870 (81%), the second dose.³⁸² In the 34 Indigenous Special Indigenous Health Districts (DSEIs), health teams

³⁷⁶ Ministério da Saúde, [Vacinômetro](#), November 8, 2021

³⁷⁷ Ministério da Saúde, [Ministério da Saúde anuncia dose de reforço para vacinação contra a Covid-19 na segunda quinzena de setembro](#), August 25, 2021

³⁷⁸ Ministério da Saúde, [Vacinômetro](#), September 22, 2021

³⁷⁹ Brazil, State Report sent to REDESCA n. 371/2021, September 30, 2021

³⁸⁰ Brazil, State Report sent to REDESCA n. 371/2021, September 30, 2021

³⁸¹ Brazil, State Report sent to REDESCA n. 371/2021, September 30, 2021

³⁸² Ministério da Saúde, [Imunização Indígena. Covid-19](#), October 1, 2021

- conduct searches to ensure that the entire indigenous population living in the villages is immunized.³⁸³
280. Faced with this, the REDESCA congratulates the State, because, in accordance with Resolution 1/2021 of the IACHR, it would be allowing universal and equitable access to available vaccines and creating conditions of real equality against groups that have historically been violated in their rights, or that are at greater risk of suffering discrimination.³⁸⁴
281. The Brazilian State reported that, through the Ministry of Health, it carries out advertising and dissemination campaigns launched to combat misinformation about vaccines and guarantee access to adequate information, which would also be in line with IACHR Resolution 1/2021. In addition, THE REDESCA was informed that the Ministry of Women, Family and Human Rights also disseminates guidelines on preventive measures against SARS-Cov2 contamination, as well as sensitizing the population, especially the most vulnerable, to the importance of vaccination.³⁸⁵
282. Without prejudice to the above, the REDESCA expresses its concern and takes note of the disinformation campaigns on the measures to prevent infection caused by COVID-19, which were intense in Brazil, to the point that there were attacks on the press and professional journalism, questioning the data and technical and scientific information on the dimension of the disease, in addition to denying the seriousness of the disease and defending the existence of an "early treatment" for Covid-19 that became public health policy.³⁸⁶
283. Regarding access to vaccines and the exchange of technology, the REDESCA points out as an advance that, on June 1, 2021, the Ministry of Health, through the Oswaldo Cruz Foundation (Fiocruz), signed a technology transfer agreement with the pharmaceutical company AstraZeneca, for the national production of vaccines against COVID-19. In addition, in August 2021, a partnership was announced between Pfizer/BioNTech and the Brazilian pharmaceutical company Eurofarma for the production of more than 100 million doses of the vaccine in the country per year. This measure represents an important step towards Brazilians' equitable access to the COVID-19 vaccine.³⁸⁷
284. On the other hand, the pandemic also generated a physical and mental loss for health professionals. In this sense, based on monitoring information, at the end of March 2021, 50,869 cases and 699 deaths were registered among nurses in the country, and 624 deaths of Doctors from Covid-19. However, there is no precise data on the total number of health professionals, including administrative and support workers, who would have participated on the covid-19

³⁸³ Brazil, State Report sent to REDESCA n. 371/2021, September 30, 2021

³⁸⁴ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 1.

³⁸⁵ Brasi, State Report sent to REDESCA n. 371/2021, September 30, 2021. Regarding the campaigns, the Brazilian State indicated the following sites: <https://www.gov.br/saude/pt-br/campanhas-dasaude/2021/coronavirus> and <<https://www.gov.br/mdh/pt-br/assuntos/covid-19>>.

³⁸⁶ CEPEDISA. USP [A linha do tempo da estratégia federal de disseminação da covid-19](#), 28 May 2021, p. 3 and 45

³⁸⁷ Brazil, State Report sent to REDESCA n. 371/2021, September 30, 2021. Regarding the campaigns, the Brazilian State indicated the following sites: <https://www.gov.br/saude/pt-br/campanhas-dasaude/2021/coronavirus> and <<https://www.gov.br/mdh/pt-br/assuntos/covid-19>>

- frontline and who died. In addition to COVID-19, health workers experience symptoms and aggravations of various diseases, especially related to mental health. A survey of 4,384 health professionals from all regions of the country, for example, revealed that 41% suffer from insomnia, 44% from anxiety attacks and 21% from symptoms of exhaustion.³⁸⁸
285. In this regard, the REDESCA notes that mental health is part of the comprehensive protection policies under which States are obliged to provide within the framework of the total guarantee of the right to health. In particular, these services should be provided without discrimination in the face of the effects of pandemic contexts and their consequences, including the equitable distribution of such services and goods in the community, particularly to populations that are most exposed or at greatest risk of being affected, such as health professionals, the elderly or people with medical conditions that require specific mental health care.³⁸⁹³⁹⁰
286. Amid the ravages caused by COVID-19, especially in the month of April 2021, the REDESCA was also aware of patients who were intubated and bound and who remained conscious throughout treatment, as there were not enough sedatives for COVID-19 patients admitted to intensive care units.³⁹¹ Likewise, the pandemic affected the Brazilian population unevenly. According to a survey by UFRJ's Center for Public Health, the case fatality rate among hospitalized patients with confirmed cases of COVID-19 was 56% among whites and 79% among non-whites. In addition to affecting COVID-19 response capacity and its direct effects on health, inequality jeopardizes the continuity of other essential health services, such as childhood vaccination, antenatal care and postpartum care.³⁹²
287. Faced with the social determinants of health, the REDESCA notes that the pandemic has also aggravated people's right to food. Since the beginning of the pandemic, the price of food has increased by 15% in the country, according to the Brazilian Institute of Geography and Statistics (IBGE). The rate is almost triple the headline inflation recorded in the same period, at 5.2%.³⁹³ Thus, although Brazil is the second largest food exporter in the world, according to the World Trade Organization (WTO) and the Report of the Food and Agriculture Organization of the United Nations (FAO), published on July 12, approximately 23.5% of the Brazilian population will have experienced moderate or severe food insecurity between 2018 and 2020, which represents an increase of 5.2% compared to the last period analyzed, between 2014 and 2016.³⁹⁴
288. In this way, the COVID-19 pandemic had a negative effect on household food security. According to research by the Brazilian Research Network on Food Sovereignty and Security (PENSSAN) on food insecurity in Brazil in the context of the Covid-19 pandemic, 55.2% of Brazilian households

³⁸⁸ Aids Agency, [Congregação da FSP-USP divulga Nota Técnica: A expectativa de imunidade coletiva por contágio causa a morte de brasileiros e ameaça o SUS](#), 29 March 2021

³⁸⁹ IACHR, [CP n. 243/2020](#), October 2, 2020

³⁹⁰ IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020: Pandemic and Human Rights, para. 11.

³⁹¹ Capital Charter, [For lack of sedative, patients ficam 'amarrados e pedindo para não morrer' no Rio](#), April 14, 2021

³⁹² UN [COVID-19 e desenvolvimento sustentável: Avaliando a crise de olho na recuperação](#), 29 September 2021

³⁹³ Brazil de Fato, [Brasil com fome: pandemia e desmonte do Estado agravam drama dos trabalhadores](#), August 11, 2021

³⁹⁴ Senate [Potência agrícola, Brasil convive com fome](#), 28 July 2021

- suffer from food insecurity. Of this total, 9 per cent lived with hunger, i.e. were in a situation of severe food insecurity.³⁹⁵
289. The study also identified that families with incomes of up to 25% of a minimum wage per capita (MSTP) suffered 2.5 times more severe food insecurity than the national average of households. Likewise, the severe food insecurity of families was greater when this person was a woman, with self-declaration of black/brown/skin, and/or less educated.³⁹⁶
290. For this reason, the need to use the maximum of available resources to guarantee human rights, especially ESCER, is highlighted; as well as that, within the framework of the containment measures against the pandemic, specific programs are adopted aimed at addressing the situation of particular poverty of households, with an intersectional and differentiated perspective, in accordance with Resolution 1/2020 of the IACHR.³⁹⁷
291. In addition, the REDESCA notes the impact of the pandemic on economic activity and the increase in unemployment, especially among the poorest families, which has contributed to aggravating the housing problem. Before the crisis unleashed by COVID-19, Brazil already had a huge housing deficit, with almost 8 million families homeless or homeless. Data from March 1 to June 6 of this year indicate that at least 14,301 families were evicted in Brazil during the pandemic and more than 84,092 would be threatened with eviction.³⁹⁸
292. In this context, the REDESCA welcomes the decision to suspend evictions in the pandemic determined by the Supreme Federal Court (STF), while this was extremely important for the country, helping families in vulnerable situations. Likewise, the approval of Bill n. 827/2020 stands out, which provides for the suspension of evictions until December 31, 2021, due to the state of public calamity resulting from the pandemic.³⁹⁹
293. The REDESCA notes that, in order to provide emergency protection in the face of the crisis caused by the COVID-19 pandemic, the Brazilian government, in April 2021, announced the payment of 4 installments of the so-called "Auxílio Emergencial" for people in situations of social vulnerability. In August of this year, given the persistence of the social and economic crisis, the government extended the aid for 3 more months. The amount of the benefit was defined according to the composition of the family and varies between 150 and 375 reais. Families with one member receive 150 reais per month; with more than one person, 250 reais, and in the case of a family headed by a woman without a spouse or partner, with at least one other person, the amount is 375 reais. These economic aids and the granting of subsidies would have partially met the needs of people living in poverty and extreme poverty in the country, who are recognized as a group of

³⁹⁵ PENSSAN, [National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil](#), March 2021

³⁹⁶ PENSSAN, [National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil](#), March 2021

³⁹⁷ IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

³⁹⁸ Senate [Senado aprova suspensão de despejos de imóvel até o fim de 2021](#), June 23, 2021

³⁹⁹ Senate [Senado aprova suspensão de despejos de imóvel até o fim de 2021](#), June 23, 2021

special risk in the face of the health emergency, in line with the provisions of the IACHR and its REDESCA in Resolution 1/2020.⁴⁰⁰⁴⁰¹

294. Notwithstanding the foregoing, the REDESCA expresses concern with the indices of poverty and inequality in the country, and the importance of addressing the socioeconomic impacts of the health emergency caused by COVID-19. In Brazil, the data reveal that 75.9% of the population depends on the public health system, which highlights the structural problems that existed before the pandemic. Before the COVID-19 health crisis, the rate of complementary beds (ICU and intermediate units) did not exceed 1.5 per 10,000 inhabitants. However, according to the recommendations of the World Health Organization (WHO) and the Ministry of Health, the ideal ratio is 1 to 3 beds per 10,000 inhabitants. In addition, the proportion of ventilators available to users was also low, only 3.1 units per 10,000 inhabitants.⁴⁰²
295. Similarly, the REDESCA is concerned about the lack of national data on the situation of the street population during the pandemic, as it hinders attention to this issue and the adoption of public health and social protection policies for these people. In this regard, it is estimated that, in 2020, there was an increase of more than 100% of homeless people, with 221,869 people in that condition in Brazil. In the midst of this serious situation, REDESCA points out as relevant that, following Resolution n. 40/2020 of the National Human Rights Council (CNDH), the National Council of Justice (CNJ) approved the resolution on "National Judicial Policy for Attention to People in Street Situations" on September 21, 2021, which, based on intersectionality, outlines guidelines and fundamental principles to address the various barriers derived from the multiple economic and social vulnerabilities they experience, as well as their situation of precariousness and / or lack of housing.⁴⁰³⁴⁰⁴⁴⁰⁵
296. Regarding the rights to reproductive and sexual health, the REDESCA expresses its concern about the lack of access to basic hygiene items by more than four million girls in Brazilian schools when they are menstruating. According to the information collected, one in four girls who menstruate miss school due to lack of access to these items. Despite this worrying situation, the current president sanctioned a Menstrual Health Promotion and Protection Program, which had been approved by Congress in September, in which he vetoed the free distribution of absorbent towels for some 5.6 million women, in addition to trans men and non-binary people. Likewise, the project would include low-income students enrolled in public schools, people in street situations or extreme social vulnerability, and prisoners, and interned in units for the fulfillment of the socio-educational measure.⁴⁰⁶
297. The veto can be reversed by the Senate of the National Congress and REDESCA urges the Brazilian State to take this opportunity to advance in respect for the right to health, under a differentiated

⁴⁰⁰ Brazil. Civil House, [Prolongado por mais três meses o pagamento do Auxílio Emergencial 2021](#), August 13, 2021

⁴⁰¹ IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

⁴⁰² UN [COVID-19 e desenvolvimento sustentável: Avaliando a crise de olho na recuperação](#), 29 September 2021

⁴⁰³ Fiocruz, [População em situação de rua aumentou durante a pandemia](#), June 10, 2021

⁴⁰⁴ Conjur, [A Política Nacional Judicial do CNJ para as pessoas em situação de rua](#), October 5, 2021

⁴⁰⁵ Conjur, [A Política Nacional Judicial do CNJ para as pessoas em situação de rua](#), October 5, 2021

⁴⁰⁶ The country, [Bolsonaro vetoes acesso a absorvente para mais de 5 milhões de mulheres vulneráveis](#), 7 October 2021

approach, including the fight against menstrual insecurity, the guarantee of basic health care and the development of means for the inclusion of women in actions to protect menstrual health.

B. Climate Emergency and Human Right to Water

298. In relation to the climate emergency, the REDESCA welcomes that, during the United Nations Conference on Climate Change (COP 26) in 2021, the State of Brazil presented its goal of reducing carbon emissions by 50% by 2030 and neutrality of gas emissions by 2050. The country also made a commitment to end illegal logging of protected territories by 2028, reduce deforestation by up to 15% by 2023, reforest 18 million hectares and ensure 45% to 50% renewable sources in the national energy matrix. However, civil society organizations criticize the Brazilian State for not disclosing a detailed plan available to execute the goals, as well as for not reporting in absolute figures what the reduction should be. In this regard, the REDESCA urges the State to establish clear and measurable goals, with the due participation of civil society, as well as to publish a feasible plan for the implementation of the objectives.⁴⁰⁷⁴⁰⁸⁴⁰⁹⁴¹⁰

299. On the other hand, the REDESCA recognizes that Brazil has also adopted policy measures that will have a positive impact on climate change, such as a new law that compensates those who provide conservation services for native forests. In addition, the Brazilian state of Piauí is home to the largest wind and solar farm in South America, and became the largest producer of both renewable energy sources in South America in 2021. Brazil's energy agency also authorized the expansion of multiple other wind farms, which will ultimately prevent the emission of more than 2 million tons of CO₂ into the atmosphere. The solar energy sector also benefited from a price reduction, as well as a huge growth in the use of solar panels.⁴¹¹⁴¹²

300. Without detriment to the above, the REDESCA observes with great concern the studies on the Amazon rainforest, which conclude that deforestation and climate change are decreasing the capacity of the jungle of the southeastern Amazon, between the states of Pará and Mato Grosso in Brazil, to absorb carbon dioxide from the atmosphere, making it a source of emission of carbon dioxide, the main gas responsible for the increase in the greenhouse effect. The Amazon would emit 0.19 billion tons of carbon a year into the atmosphere. In the same vein, the REDESCA also notes with concern the alert presented by scientists and ecologists about the possibility that deforestation in the Amazon has reached an irreversible point. According to the data presented, about 17% of Amazonian forests have been converted into other land uses, and at least another 17% have been degraded.⁴¹³⁴¹⁴

⁴⁰⁷ Ministerio do Meio Ambiente, [With an ambitious goal, Brazil announces redução de 50% nas emissões de carbono até 2030](#), 01 November 2021

⁴⁰⁸ HRW, [COP26: Brazil Still Lacks Credible Plan to Save Rainforest as Amazon Crisis Persists](#), November 2, 2021

⁴⁰⁹ G1. [Brasil não detalhou metas para o Acordo de Paris e desmatamento está longe de zero](#), August 9, 2021

⁴¹⁰ Notiamérica, [COP26.- Brazil promises to reduce its greenhouse gas emissions by 50% by 2030](#), November 1, 2021

⁴¹¹ Herbert Smith Freehills, [COP26 – TRENDS IN LATIN AMERICA](#). Brazil, September 15, 2021

⁴¹² Herbert Smith Freehills, [COP26 – TRENDS IN LATIN AMERICA](#). Brazil, September 15, 2021

⁴¹³ Observatório do Clima. [Parte da Amazônia já atingiu "ponto de virada"](#), July 21, 2021.

⁴¹⁴ Correio Braziliense, [Amazônia pode ter chegado a ponto irreversível](#), 22 September 2021

301. According to the results of a study conducted by researchers from Fiocruz, the National Institute for Space Research (INPE) and the University of São Paulo (USP), large-scale deforestation of the Amazon rainforest, associated with climate change, will increase the risk of exposure to extreme heat, which will have an impact on the survival of the human species, and may leave more than 11 million people in northern Brazil at risk of extreme heat stress by 2100. The increase in the number of forest fires, the expansion of agricultural areas and mining activities tend to drive the process of deforestation and the increase in inequality and vulnerability of the population, which act in synergy with the effects of climate change.⁴¹⁵
302. The fires in the Brazilian Pantanal region are also a matter of special attention and concern for the REDESCA. The above, taking into account that a study carried out by the Public Ministries of Mato Grosso do Sul and Mato Grosso estimates that almost 60% of the 22,000 fires detected by INPE in the Pantanal in 2020 were caused by agricultural and livestock activities. The area affected by fire in 2020 is also unprecedented: more than 40,000 km² or more than 27% of the biome's vegetation cover in Brazil. The fire affected at least 65 million vertebrate animals and 4 billion invertebrates. In this context, the impact of climate change poses a serious threat to the biome. On the other hand, frequent and large-scale fires can cause cumulative negative impacts and significantly affect the environment.⁴¹⁶
303. Therefore, the REDESCA stresses that climate change and environmental degradation represent one of the greatest threats to the full enjoyment and exercise of human rights of present and future generations, to the health of ecosystems and all species that inhabit the planet. ⁴¹⁷ In this regard, the Office of the Special Rapporteur urges the State to protect the environment and mobilize resources for climate action committed to human rights.
304. In addition, the REDESCA points out that not only the State must develop public policies on the environment and climate change, but also society as a whole, especially companies. For this reason, REDESCA sees as an excellent initiative the manifesto of the group formed by 107 companies, called "Entrepreneurs for the Climate", in which measures are demanded from the federal government to fight against the climate crisis and be a protagonist in the Climate Conference, COP26. In this way, the business community demands measures to reduce carbon emissions, financing mechanisms to promote the climate transition and the integral and unequivocal fight against illegal deforestation of the Amazon rainforest and other Brazilian biomes.⁴¹⁸
305. With regard to the human right to water, the REDESCA notes with concern the water crisis that affected the country and its impact on the capacity to supply electricity, since most of the generation in Brazil is carried out through hydroelectric power plants, and the shortage of rainfall in the country for power generation would have been the worst in 91 years. With the absence of rainfall and high electricity consumption, the level of reservoirs in the southeast/central west

⁴¹⁵ Fiocruz, [Mudanças climáticas e savanização da Amazônia irão impactar populações pelo calor](#), October 1, 2021

⁴¹⁶ EcoDebate, [Queimadas e secas frequentes ameaçam a capacidade de recuperação do Pantanal](#), August 22, 2021

⁴¹⁷ IACHR, [CP 291/2021](#), November 4, 2021

⁴¹⁸ IG. Economic Brazil, [107 companies assinam letter charging for "ambitious" climate goals in Brazil](#), 27 September 2021

- reached the lowest level, at least since the crisis of 2001, when the largest rationing in Brazil's history occurred. For this year, until September 22, - the most recent data from the National Electric System Operator (ONS) - the level was 17.55%.⁴¹⁹⁴²⁰⁴²¹
306. In addition to the lack of rainfall, the crisis has been aggravated by factors such as the lack of supply infrastructure, the poor management of water resources, the lack of control of environmental problems -such as deforestation and pollution-, the lack of education for the rational consumption of water, the reduction of waste, the increase in water consumption due to the growth of agriculture, industry and population, along with the restricted use of alternative sources to reservoirs, among others.⁴²²
307. Faced with the lack of water, the Brazilian government had to concentrate production in thermoelectric plants to meet the country's demand. While these are more expensive and work by burning fuel and releasing pollutants that are responsible for the increase in global warming, the REDESCA points out that, by virtue of the guarantee of a healthy environment, based on the State's international obligations in the field of human rights, all decisions on environmental matters must be taken in a transparent manner, with broad public participation and providing access to justice to interested individuals, communities and other organizations. Thus, the Office of the Special Rapporteur urges the State to coordinate with local authorities, adopting the necessary public policies to respond to this situation from a human rights perspective.⁴²³
308. In addition to the water crisis, the floods recorded in the country are a cause for monitoring and concern, especially that of the Río Negro, in the Amazon region, which on June 1 caused the largest flood recorded in history, due to rains of intensity much higher than normal. According to Civil Defense data, more than 455,000 people have already been affected. Experts warn that environmental pressures, such as global warming and large-scale deforestation, will make these extreme weather events even more frequent, bringing environmental, social and economic repercussions for the region.⁴²⁴
309. Likewise, on the right to water, according to a study on water quality in the basins of the Atlantic Forest, carried out by the SOS Mata Atlantica Foundation between March 2020 and February 2021, there is fragility of the environmental status in 73% of the main rivers monitored in the country, in the 17 states of the biome. High temperatures were also detected in the stretches of the rivers, which in some cases reached 30°C or more, reinforcing the warning about the impacts of climate change on water quality.⁴²⁵
310. Against this background, the REDESCA draws the attention of the Brazilian State, while polluted rivers and waters would reflect the absence of investments in environmental sanitation, forest

⁴¹⁹ Correio Braziliense, [Entenda a crise hídrica que ameaça o fornecimento de energia no Brasil](#), June 15, 2021

⁴²⁰ Um só planet, [Entenda as causas da crise hídrica no Brasil](#), 31 July 2021

⁴²¹ ONS [Agora energy: reserves](#), 22 September 2021

⁴²² ParMais, [Crise hídrica no Brasil: quais os impactos na economia?](#), 03 September 2021

⁴²³ Correio Braziliense, [Entenda a crise hídrica que ameaça o fornecimento de energia no Brasil](#), June 15, 2021

⁴²⁴ WWF, [Maior cheia da história do Rio Negro alaga cidades e afeta mais de 455 mil pessoas](#), June 21, 2021

⁴²⁵ SOS Mata Atlântica, [Watching os Rio 2021](#). March 2021, p 31-32

- recovery and integrated public policies, management and governance. Therefore, the country's National Water Resources Policy urgently needs to be implemented throughout the national territory, in a decentralized and participatory manner, to preserve the environment and achieve sustainable development.
311. Without prejudice to the above, the REDESCA sees as good practice of the Federal Government the adoption of the "Águas Brasileiras" project, which selected 26 projects aimed at conserving and restoring important watersheds of the country. These are short, medium and long-term actions, ranging from the planting of 100 million trees in two years to the realization of sanitation projects and sustainable techniques that should benefit more than 250 municipalities in 10 states.⁴²⁶
312. For its part, the REDESCA has also followed the development of the trial of the so-called "time frame" in the Supreme Federal Court (STF). According to this criterion, indigenous peoples could only claim demarcation of lands already occupied by them before the date of promulgation of the 1988 Constitution. If the "time frame" thesis is accepted by the STF, indigenous communities could be expelled from the lands they have occupied, in addition to facilitating the commercialization of lands that have been protected, which could lead to the degradation of the biodiversity of many areas of environmental preservation, as well as be detrimental to their rights and cultural survival.⁴²⁷
313. In addition to the "time frame" process in the STF, the REDESCA observes with great concern at least five bills (PL) in Congress that change the rules of protection of indigenous territories and peoples and that may impact the environment. These include: PL n° 490/2007: restricts the demarcation of indigenous lands; PL n° 191/2020: liberalizes mining on indigenous lands; PL n° 3.729/2004: makes the environmental license of works and companies more flexible and/or extinguished; PL n° 510/2021: allows the legalization of public lands invaded until 2014 and the titling of areas considered latifundia; PL n. 4843/2019: allows the private sector to appropriate land for agrarian reform and the titling of areas considered latifundia.⁴²⁸⁴²⁹⁴³⁰⁴³¹⁴³²
314. Likewise, the REDESCA has been aware that the presence of mining in conservation units and in indigenous lands has skyrocketed in the last ten years, reaching, in the units, an increase of 301% in the area of exploitation from 2010 to 2020, and in the indigenous territories, an increase of 495%. Mining in these protected areas is concentrated in the Amazon and contributes to the annual advance of deforestation. The devastation of illegal mining in 2020 had already increased by 30% and in 2021 it continues to advance, so that more than 2,430 hectares destroyed in the reserves by miners have already been identified. The land conflict has led to attacks and violence against the indigenous people of the Yanomami land, as well as the destruction of riverbeds and

⁴²⁶ Ministério do Desenvolvimento Regional, [Águas Brasileiras Program](#), accessed on 23 September 2021

⁴²⁷ Apib, [Tese do marco temporal é interpretação forçada e afronta Constituição, diz advogado indígena](#), August 31, 2021

⁴²⁸ Câmara dos Deputados, [PL 490/2007](#), retrieved 20 October 2021

⁴²⁹ Câmara dos Deputados, [PL 191/2020](#), retrieved 20 October 2021

⁴³⁰ Câmara dos Deputados, [PL 3729/2004](#), retrieved 10 May 2021

⁴³¹ Federal Senate, [PL 510/2021](#), retrieved 20 October 2021

⁴³² Câmara dos Deputados, [PL 4843/2019](#), retrieved 20 October 2021

their contamination by mercury, diesel and other waste have caused significant damage to local ecosystems.⁴³³⁴³⁴

315. In this regard, Advisory Opinion No. 23/2017 of the Inter-American Court of Human Rights clarifies that, in cases concerning the territorial rights of indigenous and tribal peoples, there is a relationship between a healthy environment and the protection of human rights, because "the right to collective ownership of these is linked to the protection and access to resources found in the territories of the peoples, for these natural resources are necessary for the very survival, development and continuity of the lifestyle of these peoples." Therefore, it is important that the Brazilian State strengthen oversight in the region and refrain from promoting bills that strengthen the legalization of mining in protected areas.⁴³⁵
316. Likewise, the REDESCA expresses its strong condemnation of the attacks against environmental defenders in Brazil. The data reveals that the country is in the fourth position of the world ranking in terms of the number of murders of activists linked to environmental causes, with 20 murders in 2020. According to information from the NGO Global Witness, most of the crimes (75%) occurred in the Amazon and had indigenous people as victims. The main economic activities related to the crimes recorded were timber extraction, water conflicts and dam construction, mining and agribusiness. Likewise, a partial study conducted by the Pastoral Land Commission (CPT) calculated that, as of the end of August 2021, 11 people had been killed in Brazil for defending their territories, access to land, water and the environment. Along the same lines, the Office of the Special Rapporteur expresses its concern with the attacks and threats against indigenous environmental activists Txai Suruí and Alessandra Munduruku, after denouncing at COP26 facts that put at risk the territories and the survival of their peoples.⁴³⁶⁴³⁷⁴³⁸⁴³⁹
317. In this context, the REDESCA recalls the State's obligation to protect defenders of human rights and urges Brazil to sign the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). It also calls on the State to ensure that all environmental protection institutions are adequately funded, staffed and equipped to continue their monitoring and law enforcement tasks in their respective jurisdictions.

⁴³³ National Geographic, *Ação humana é responsável por quase todas as transformações nos biomas brasileiros*, 22 September 2021

⁴³⁴ The country, [Mineração e garimpo disputam área maior do que a Bélgica dentro da Terra Indígena Yanomami](#), June 22, 2021

⁴³⁵ Inter-American Court, Advisory Opinion 23/17 of November 15, 2017

⁴³⁶ Global Witness, [Last line of defence](#), September 13, 2021.

⁴³⁷ Brazil of Fato, [Brasil é o 4º país mais perigoso do mundo para ambientalistas](#), 13 September 2021

⁴³⁸ Royal Amazon, [COP26: Após attacks, Txai Suruí teme pela segurança no Brasil](#), November 11, 2021

⁴³⁹ Amazônia Real, [Alessandra Munduruku sofre political attack após chegar da CP26](#), November 13, 2021

318. Continuing with the issue of the environment and its repercussions on other ESCER, such as the right to health, food and decent work, the REDESCA is concerned about the widespread release and commercialization of the use of agrochemicals in the country in recent years.
319. Over the years, serious human rights violations have been reported in Brazil in relation to the widespread use of pesticides, as described by the United Nations (UN) Special Rapporteur on human rights and hazardous substances and wastes. In this regard, it is indicated that the country is the largest consumer of pesticides in the world and continues to use dozens of products that have been banned by foreign countries and international markets for health or environmental reasons.⁴⁴⁰
320. The Office of the Special Rapporteur learned that, from the beginning of the current government until the end of August 2021, the current Brazilian government has granted 1,358 registrations, including that of the herbicide Dicamba. Likewise, official data show that 70% of the pesticides used in Brazil are: glyphosate; 2,4-D; mancozeb; acephate; mineral oil; atrazine; vegetable oil; Paraquat.⁴⁴¹⁴⁴²
321. Similarly, research shows that, in addition to damage to the health of the population, the use of pesticides is associated with increased suicide rates in the rural population, increased residues in water systems, as well as various forms of pollution for rural workers and the environment.⁴⁴³
322. In this context, REDESCA emphasizes that the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), ratified by the Brazilian State, guarantees all persons, among others, the right to health, understood as the enjoyment of the highest possible level of physical well-being. mental and social, the right to work in dignified conditions, the right to healthy and adequate food and the right to live in a healthy environment. Therefore, it is called upon to take urgent measures to guarantee it, especially when preventing human rights violations in the context of business activities; monitoring the performance of enterprises; regulate and adopt provisions of domestic law in the framework of business activities and human rights -adapting to the provisions of inter-American legal instruments-, as well as investigate, sanction and guarantee access to effective mechanisms of reparation in the field of business and human rights.⁴⁴⁴

⁴⁴⁰ UN Relatório da missão do Relator Especial sobre direitos humanos e substâncias e resíduos perigosos, da Comissão de Direitos Humanos da Organização das Nações Unidas (ONU), sobre a visita oficial ao Brasil realizado entre 02 a 13 de dezembro 2019, 17 September 2020

⁴⁴¹ Rede Brasil Atual, [Tá osso: too much poison, there is a lack of food!](#), August 30, 2021

⁴⁴² IPEA, [Agrotóxicos no Brasil: padrões de uso, política da regulação e prevenção da captura regulatória](#), 2019, accessed 03 October, p. 16

⁴⁴³ IPEA, [Agrotóxicos no Brasil: padrões de uso, política da regulação e prevenção da captura regulatória](#), 2019, accessed 03 October, p. 35

⁴⁴⁴ IACHR, [Business and Human Rights: Inter-American Standards](#). OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019

C. Business and Human Rights

323. In relation to the issue of business and human rights, the REDESCA expresses its deep concern about the conclusions undertaken by the Parliamentary Investigation Commission (CPI) of COVID-19 in Brazil, which identified that the company Prevent Senior would be hiding deaths in a study on chloroquine. During the investigation, the ICC collected information that treatments were carried out without authorization or information to patients, as well as those suspicious deaths would not have been reported to relatives.⁴⁴⁵ Nine patients used as "guinea pigs" died during the research, but the authors of the company's study had only mentioned two deaths. The ICC's final report also concludes that the company encouraged drug use and early treatment without sufficient scientific evidence.⁴⁴⁶
324. In this regard, the Inter-American Convention on the Protection of the Human Rights of Older Persons indicates that private health institutions may not administer any treatment, intervention or research of a medical or surgical nature without the informed consent of the elderly person (art. 11).⁴⁴⁷ Likewise, the REDESCA recalls Resolution n. 1/2020 on Pandemic and Human Rights that, in the context of COVID-19, implies that companies have a key role to play, and their conduct must be guided by the applicable human rights principles and rules. In addition, in relation to the case of the company Prevent Senior, the Office of the Special Rapporteur highlights the importance of conducting a thorough and independent investigation, ensuring that its actors involved are punished, and that the victims are repaired.⁴⁴⁸
325. On the other hand, the REDESCA highlights with great concern the information on cases of aerial fumigation of pesticides on the Santa Rita de Cássia II Settlement, located in the municipality of Nova Santa Rita, metropolitan region of Porto Alegre, Rio Grande do Sul and on communities of the municipality of Buriti, Maranhão, such as Carranca, Brejão, Araça, Capão, Belém, Angelim, Cacimbas, Mato Seco, Brejinho and Baixão.⁴⁴⁹
326. As for the Santo Rita de Cássia II Settlement, the technical note of the Oswaldo Cruz Foundation (FioCruz) states that, since 2017, the population of the municipality suffers harmful consequences from the aerial fumigations of pesticides carried out by companies of conventional agricultural products. In November 2020, on the 11th and 12th, a plane in charge of aerial fumigation flew over the area of the settlement, including the houses, pouring pesticides on this population and vegetable plantations, orchards of fruit trees and even native vegetation. A similar episode would have occurred on February 16, 2021.⁴⁵⁰

⁴⁴⁵ G1, [Prevent Senior ocultou mortes em estudo sobre cloroquine](#), 16 September 2021

⁴⁴⁶ Federal Senate, [CPI Pandemic: Final Report](#), 26 October 2021

⁴⁴⁷ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020.

⁴⁴⁸ REDESCA, [Business and Human Rights: Inter-American Standards](#). OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019

⁴⁴⁹ Repórter Brasil, [Agrotóxicos são lançados de avião sobre crianças e comunidades em disputa por terra](#), 04 May 2021

⁴⁵⁰ FioCruz, [Technical note](#), 9 April 2021

327. As for the communities of the municipality of Buriti-MA, such as Carranca, Brejão, Araça, Capão, Belém, Angelim, Cacimbas, Mato Seco, Brejinho and Baixão, the Federation of Rural Workers and Family Farmers of the State of Maranhão-FETAEMA sent a document to the REDESCA, in which they reported that soybean agricultural companies in the region release a large number of pesticides by land and air. As a result, local residents would be getting sick – especially those in social vulnerability – animals would have died, and local production would have been damaged by chemicals.⁴⁵¹
328. The information provided to the REDESCA demonstrates measures practiced by companies that would go against the guarantee of the right to a healthy environment, to health, to food, water and decent work, among others, enshrined in the American Convention on Human Rights (ACHR) and its Additional Protocol on Human Rights in the Field of Economic, Social and Cultural Rights (Protocol of San Salvador). Therefore, the REDESCA recalls that States must adopt appropriate measures to regulate, prevent, investigate, punish and guarantee access to effective mechanisms to redress these abuses through appropriate policies, regulatory activities and bringing the companies involved to justice.⁴⁵²
329. The REDESCA notes that the Volkswagen do Brasil company, through an Adjustment of Conduct Agreement signed with the Federal Public Prosecutor's Office (MPF), the Public Ministry of São Paulo (MPSP) and the Public Ministry of Labor (MPT), committed to allocate R\$ 36.3 million reais to former workers of the company who were imprisoned, persecuted or tortured during the Brazilian military dictatorship (1964-1985), as well as to support initiatives to promote human and collective rights, such as Transitional Justice policies to confront the dictatorial past and projects that rescue the memory of human rights violations and the resistance of workers at that time. A part of the amount should continue to be used to finance new research into the collaboration of companies with the dictatorship and for the identification of the bones of political prisoners found in a clandestine grave in the cemetery of Peru in 1990. Finally, the company also published, in March 2021, in the main newspapers of Brazil, a public statement on the matter, in which it acknowledges its violation of human rights and regrets the events that occurred.⁴⁵³⁴⁵⁴
330. Against this background, REDESCA salutes Brazilian public bodies for this historic agreement, which seeks to guarantee access to the truth, make reparations to victims, preserve memory, strengthen democracy and promote the responsibility of the perpetrators of serious human rights violations in line with inter-American standards on business and human rights. contained in the report published by the REDESCA.⁴⁵⁵
331. Finally, the REDESCA was also aware of the conviction of JBS S/A, the largest meat processing company in the world, in the first instance of the courts after the filing of a public civil action in

⁴⁵¹ Fetaema, Report of spillage of agrochemicals in houses and plantations, sent by Mail to REDESCA on April 22, 2021

⁴⁵² REDESCA, [Business and Human Rights: Inter-American Standards](#). OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019

⁴⁵³ Ministério Público do Trabalho, [MPE, MPSP e MPT divulgam relatório final sobre participação da Volkswagen na repressão durante regime militar](#), March 31, 2021

⁴⁵⁴ MPSP, [VW publica informe em que lamenta violação de Direitos Humanos na ditadura](#), March 14, 2021

⁴⁵⁵ REDESCA, [Business and Human Rights: Inter-American Standards](#). OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019

2020 by the Public Ministry of Labor (MPT) in which it claimed that the company fired 40 kaingang indigenous workers for two confirmed cases of coronavirus among those workers. According to the MPT, the company should have followed prevention protocols, which consist of paid leave, isolation and follow-up for at least 14 days, and not fired them. The Labor Justice ordered the reinstatement of the workers and the payment of individual and collective compensation. On the ruling, REDESCA reinforces the obligation of companies to act in the workplace without discriminating against vulnerable groups, especially during the COVID-19 pandemic.⁴⁵⁶⁴⁵⁷

D. Labor and Trade Union Rights

332. Faced with the guarantee of labor and trade union rights, the REDESCA notes that, in May 2021, Brazil had 14.7 million unemployed people, which corresponds to an increase of 20% compared to the same month of 2020 (12.2 million). The country's unemployment rate would have stood at 14.3% in May 2021. In addition, according to data from the Brazilian Institute of Economics and Statistics (IBGE), the country reached an informality rate of 40.6% in the labor market in the quarter to June 2021, with 35,618 million workers in informality. In the second quarter of 2021, 75.1% of private sector employees had signed work portfolios. However, among domestic workers, only 25.7% had this working document signed. In structural terms, the REDESCA highlights that the federal government, through Provisional Measure No. 1,058 of July 27, 2021, has created the Ministry of Labor and Welfare, which at the beginning of that current government had suppressed to be linked to the Ministry of Economy.⁴⁵⁸⁴⁵⁹⁴⁶⁰

333. In addition to the growing informality, the REDESCA observes with concern information that reveals the poor remuneration of workers in Brazil. Of the total number of employed people in the country, 34.4% of working people receive up to a minimum wage, which continues to be affected by inflation, reducing the purchasing power of food, fuel and electricity.⁴⁶¹

334. Given this scenario, the REDESCA highlights that the increase in unemployment and the increase in informality reveal that, four years after the so-called labor reform made in 2017 (Law 13,467, 2017), which has relaxed several labor standards with the promise of creating more than two million vacancies in two years, it would not have produced the expected economic and social benefits. On the contrary, the Office of the Special Rapporteur learned that the creation of the so-called "intermittent contract" and the expansion of the possibilities of hiring self-employed workers without labor rights contributed to increasing the informality of workers and the precariousness of labor relations. In the same way, the changes implemented favored what was negotiated over what was legislated, but without developing rules to strengthen unions and collective bargaining.⁴⁶²

⁴⁵⁶ Reuters [Court confirms Brazil's JBS must reinstate indigenous workers, pay damages](#), 6 October 2021

⁴⁵⁷ Radio Aliança, [JBS de Seara é condenada por dispensation de trabalhadores indígenas](#), 7 October 2021

⁴⁵⁸ IPEA, [Indicadores mensais do mercado de trabalho](#), August 5, 2021

⁴⁵⁹ IBGE, [PNAD Contínua Trimestral: desocupação recua em quatro das 27 UFs no 2º trimestre de 2021](#), August 31, 2021

⁴⁶⁰ Brazil [Provisional measure nº 1.058, of July 27, 2021](#)

⁴⁶¹ G1, [Brasil tem recorde de 30 milhões de pessoas recebendo até um salário mínimo](#), 18 September 2021

⁴⁶² Uol, [4 anos depois, reforma trabalhista não gerou 'boom' de empregos prometido](#), 7 October 2021

335. In the same vein, the REDESCA is also concerned that access to labor justice in Brazil has been harmed by the 2007 labor reform, especially free access to the judiciary. The data reveal that in 2020 the Labor Justice received 2,867,673 cases, 27.7% less than in 2017.⁴⁶³ In the same way, the data of the report published by the World Bank are worrying, according to which the economic crisis caused by the pandemic is expected to generate a negative effect on employment and wages in Brazil during the nine years after the health crisis, harming especially average workers. In addition, informal workers have fewer protections against the effects of economic shocks and are therefore more likely to lose their jobs, regardless of their qualifications.⁴⁶⁴
336. In this regard, the Office of the Special Rapporteur on ESCER makes a priority call on the State to incorporate employment standards and policies that de facto stimulate the development of the labor market, full employment, and to take effective measures to prevent the proliferation of precarious jobs that do not guarantee the minimum rights of workers.
337. In relation to access to justice, the REDESCA welcomes the decision of the Supreme Federal Court (STF) of Brazil that invalidated rules of the so-called Labor Reform (Law 13.467/2017), which determined the payment of the fees of experts and lawyers by the beneficiaries of legal aid in case of losing the trial. The Office of the Special Rapporteur emphasizes the importance of ensuring access to justice in the face of possible human rights violations in the context of labor law, especially for people who are in situations of poverty and extreme poverty.⁴⁶⁵
338. In the same way that happened for eight months in 2020 and in order to incentivize companies to keep their employees instead of firing them in the context of the crisis caused by the pandemic, the REDESCA welcomes that the federal government issued Provisional Measure n. 1045 that reinstated the Emergency Program for the Maintenance of Employment and Income (BEM). Through this program, companies could reduce 25%, 50% or 70% of the wages and working hours of employees, or suspend their employment contracts for a maximum of four months (or 120 days). Throughout the period, the worker received government aid to supplement his salary and companies were prevented from firing employees.⁴⁶⁶
339. However, the REDESCA notes with concern the Brazilian government's attempt, through Provisional Measure 1045/2021, to approve rules to make labor legislation more flexible. The measure was criticized by society, institutions and trade unions, because it provided for the creation of the modality of work without the right to vacation, without a signed work card and without other labor and social security rights; it increased the limit on working hours for some sectors, restricted access to legal aid, made labor inspection difficult, among other measures harmful to workers. The proposal had been approved by the Chamber of Deputies, but was rejected on September 1, 2021 by the Senate. In this regard, the Office of the Special Rapporteur welcomes the fact that the law was not finally approved and reminds the State of the inter-American standards on labor rights, especially those that refer to adequate remuneration,

⁴⁶³ Uol, [4 anos depois, reforma trabalhista não gerou 'boom' de empregos prometido](#), 7 October 2021

⁴⁶⁴ World Bank [Employment in crisis: A path to better jobs in post-COVID-19 Latin America](#), 20 July 2021

⁴⁶⁵ IACHR, [Poverty and Human Rights](#), OEA/Ser.L/V/II.164, September 7, 2017, para. 503.

⁴⁶⁶ Invest Value, [Entenda como vai funciona a redução de jornada e salário 2021](#), 24 April 2021

- protection against strenuous hours, the right to rest, and the guarantee of decent work.⁴⁶⁷⁴⁶⁸⁴⁶⁹⁴⁷⁰⁴⁷¹
340. The REDESCA notes that Brazil in 2021 has been included in a preliminary list of 40 countries suspected of violating international conventions on labor and trade union rights, which was released by the Committee on the Application of Standards and published on the website of the International Labor Organization (ILO). In the case of Brazil, experts see incompatibility between ILO Convention 98 and the 2017 "reform" of labor legislation, which relaxed the rights to collective bargaining. In 2019 and 2018, Brazil entered the so-called "short list", a list of 24 countries that violate the rules due to the illegalities contained in the labor reform implemented in 2017 (Law No. 13.467/2017).⁴⁷²⁴⁷³
341. On the other hand, the REDESCA is aware of the existence of mobile inspection groups in 2021, formed by public agents, to investigate the labor situation similar to that of slavery in the country. From January to October 5, 2021, according to official data, 234 establishments were inspected for the eradication of slave labor and 102 were fined for subjecting a total of 1,015 workers to these conditions.⁴⁷⁴
342. As a result of these, it is highlighted that, in one of the inspections of the Special Mobile Inspection Group to combat slave labor, eleven workers were rescued from two farms in the north of Mato Grosso, identifying degrading working conditions and strenuous hours. One of the rescued workers contracted a parasitic disease that is associated with malnutrition, population displacement or precarious housing and sanitation conditions. In another inspection, of which REDESCA was aware, a group of 130 workers was rescued from slavery-like conditions in October 2021. Of this total, 114 workers were on a garlic production farm and the other 13 were in two charcoal factories, in the rural area of the municipalities of João Pinheiro and Coromandel, located in the Triângulo Mineiro/Alto Paranaíba region of the State of Minas Gerais. The inspections revealed precarious accommodations, work fronts without drinking water, without sanitary facilities, without shelters for rest, without canteens, in addition to the absence of protective equipment and REGISTRATION of CTPS, and charges for work materials, among others.⁴⁷⁵⁴⁷⁶
343. In this way, the REDESCA points out that, in the Case of Workers of the Hacienda Brasil Verde v. Brazil, the Inter-American Court of Human Rights has already ruled on the State's responsibility

⁴⁶⁷ Repórter Brasil, [Medida provisória cria trabalhador de 'segunda classe', reduz hora extra e atrasa aposentadoria](#), August 03, 2021

⁴⁶⁸ ANPT, [Public Note contrary to MP 1045/2021](#), of 19 August 2021

⁴⁶⁹ CUT [Entenda MP aprovada pela Câmara que diminui salários e acaba com vários direitos](#), August 11, 2021

⁴⁷⁰ Uol, [Reform trabalhista rejeitada](#), 01 September 2021

⁴⁷¹ IACHR/REDESCA, [Compendium on Labor and Trade Union Rights](#), October 30, 2020

⁴⁷² ILO [Preliminary list of cases submitted by the social partners](#), April 2021

⁴⁷³ Rede Brasil Atual, [Brazil entra mais uma vez na lista da OIT de suspeitos de viola normas trabalhistas](#), April 20, 2021

⁴⁷⁴ SIT radar, [Trabalho Escravo](#), 06 October 2021

⁴⁷⁵ MPT [Fiscalização resgata 11 trabalhadores em situação análoga à escravidão no norte de Mato Grosso](#), 21 September 2021

⁴⁷⁶ MPT [Ação de fiscalização conjunta resgata quase 130 trabalhadores submetidos a trabalho análogo ao de escravo](#), 4 October 2021

to protect workers against forced labor and its duty to provide reparations to victims and non-repetition measures. Therefore, it is reiterated that the Brazilian State is internationally obliged to adopt positive measures to protect persons exposed to these conditions and to confront the conditions that generate the exploitation of these conditions, as well as to prevent, investigate and punish cases of servitude or slavery.⁴⁷⁷

344. The Office of the Special Rapporteur is also concerned that Brazil ranks second among the G-20 countries and the Americas in terms of occupational mortality, with 8,000 deaths per 100,000 labor relations, highlighting the refrigerator sector as one of the most insecure. According to information from the Brazilian Ministry of Labor and Social Security released in 2021, between January 2016 and December 2020, there were 85,123 typical accidents and occupational diseases in the aforementioned sector, of which 64 were fatal.⁴⁷⁸⁴⁷⁹ It should be noted that, in addition to the worrying figures, the Ministry recognizes an under-registration of data on occupational accidents in the sector. Only 2% of accidents from 2016 to 2019 were reported as occupational diseases, and in the refrigerator sector, from 2016 to 2019, recognized accidents, without issuing Communication of Work Accident (CAT), exceeded by 300% those regularly reported by CAT.⁴⁸⁰

345. In addition, the REDESCA observes that, in 2021, despite this worrying scenario - aggravated by the context of the pandemic of the new coronavirus, which generated, only in the last three months of 2020, 2,800 sick leave in the economic sector of refrigerators -, an attempt is made to revise regulatory standard (NR) n. 36, published by Ordinance n. 555, of April 18, 2013, which establishes the minimum requirements for the evaluation, control and monitoring of the risks existing in the activities carried out in the refrigeration industry. According to judges and labor prosecutors in Brazil, the preliminary proposal of what would be the new wording of NR36 - Public Consultation of 08/10/2021 - aims, among other measures, to eliminate psychophysiological breaks for repetitive activities. Therefore, the aforementioned proposal would not seek to improve NR36 at a time when the health crisis seriously exposes the health of employees.⁴⁸¹⁴⁸²⁴⁸³⁴⁸⁴

⁴⁷⁷ Inter-American Court of Human Rights. Case of Hacienda Brasil Verde v. Brazil, judgment of 20 October 2016, paras. 315 to 321

⁴⁷⁸ Anamatra, Frigeríficos: a banalização do sofrimento dos trabalhadores, May 6 Feb 2021

⁴⁷⁹ Ministry of Labor and Social Security of Brazil, Relatório. Regulatory Impact Analysis of Regulatory Standard No. 36, Brasília, 2021, p. 22

⁴⁸⁰ Ministry of Labor and Social Security of Brazil, Relatório. Regulatory Impact Analysis of Regulatory Standard No. 36, Brasília, 2021, p. 36

⁴⁸¹ Anamatra, Frigeríficos: a banalização do sofrimento dos trabalhadores, May 6 Feb 2021

⁴⁸² Anamatra, Frigeríficos: a banalização do sofrimento dos trabalhadores, May 6 Feb 2021

⁴⁸³ Le Monde/Diplomatique Brasil, Why so many acidentes de trabalho, adoecimentos e mortes em frigeríficos?, December 2, 2021

⁴⁸⁴ Le Monde/Diplomatique Brasil, Why so many acidentes de trabalho, adoecimentos e mortes em frigeríficos?, December 2, 2021

346. In this regard, the REDESCA urges the State of Brazil to respect the principle of progressivity in labor matters, taking into account that occupational safety and health standards must comply with inter-American standards for the prevention of occupational accidents and diseases, guaranteeing fair, equitable and satisfactory working conditions to maintain a safe and healthy work environment for all workers.⁴⁸⁵
347. Finally, the REDESCA expresses its concern about the proposed amendment of the Constitution (PEC 18/11), which seeks to authorize adolescents from the age of 14 to perform part-time employment contracts. Currently, Brazilian law only allows work from the age of 14 in the condition of apprentice, and the PEC is currently underway in the Constitution and Justice Commission of the Chamber of Deputies⁴⁸⁶. In this regard, the REDESCA recalls that the public policies developed by the States must pay special attention to eradicating the work of children and adolescents by virtue of their status, as well as the setting of a minimum age for work is important to allow girls and boys to enjoy the right to education. Therefore, the REDESCA calls on the State not to approve norms that clearly represent a social setback in relation to the protection of children and adolescents norms; on the other hand, it encourages the State to develop public policies based on the principle of the best interests of children, mainly through the adoption of measures to eradicate poverty and increase access to education and health, with a view to eradicating child labor.⁴⁸⁷

E. Fiscal and Economic Policies

348. In relation to fiscal and economic policy, the REDESCA notes with concern the information presented by the Institute of Socioeconomic Studies-INES on the Annual Budget Bill (PLOA 2022) submitted by the federal government to the National Congress on August 31, 2021, as it would not offer sufficient funding for the health crisis, economic and social of Brazil. According to the aforementioned study, inflation would not be addressed, pandemic policies would be reduced, and the human rights situation would remain stagnant due to lack of resources.⁴⁸⁸
349. The REDESCA highlights that, with regard to the pandemic, the country had already reserved limited resources for public policies aimed at addressing the economic, social and health consequences of the crisis. For the year 2022, emergency aid and resources for Health are the only ones that present a budget to deal with the pandemic in the PLOA 2022, but in values lower than those foreseen for the year 2021. According to the information gathered, the PLOA 2022 would reserve R\$7.1 billion reais for Health, an amount that would correspond to 15% of what was authorized for 2021. In addition, despite the fact that Brazil has reached the highest unemployment rates in the last 10 years, assistance programs for companies and workers would be concluded in 2021.⁴⁸⁹

⁴⁸⁵ IACHR/REDESCA, [Compendium on Labor and Trade Union Rights](#), October 30, 2020

⁴⁸⁶ Câmara dos Deputados, [Proposta que altera Constituição para permitir trabalho aos 14 anos provoca polêmica na CCI](#), November 10, 2021

⁴⁸⁷ IACHR/REDESCA, [Compendium of Labor and Trade Union Rights](#), December 30, 2020, p. 80

⁴⁸⁸ INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

⁴⁸⁹ INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

350. As for vaccines, there is concern about an 85% reduction in the allocation for the purchase of vaccines compared to the amount available in 2021, even in the face of the demand for continuity in 2022 to deal with the COVID-19 pandemic and the Government's announcement of the need for a booster dose for the entire population. Therefore, in line with Resolution 1/2020, the REDESCA recalls that States are obliged to ensure that in the measures adopted to face the pandemic, the content of the human right to health and its basic and social determinants, which are related to the content of other human rights, is taken as a priority, such as the life and personal integrity and other ESCERs. Similarly, part of the obligations that States assume within the framework of the Inter-American System in relation to ESCER is linked to their obligation to use up to the maximum available resources, understanding these resources as in their entirety and not only those destined for the health sector.⁴⁹⁰⁴⁹¹
351. For the housing sector, the REDESCA learned that the PLOA 2022 proposes only R\$ 8 million reais, an amount insufficient to address the enormous Brazilian housing deficit. In this regard, the Office of the Rapporteur believes that States, in order to guarantee the right to housing, must adopt sufficient programs and budgetary allocations to address the problems they face.⁴⁹²
352. Regarding the budget forecasts of the Ministry of the Environment, the REDESCA observes that the PLOA 2022, compared to that of 2021, has an increase of 34.3%, which would represent R\$ 798.9 million reais. On this point, the Office of the Rapporteur recommends that resources be allocated to combat deforestation and fires and to expand and strengthen environmental inspections.⁴⁹³
353. With regard to the policy of combating child labor and promoting learning, the Brazilian government would have allocated R\$ 523.8 thousand reais, a low amount taking into account the size of the Brazilian territory, as well as the immense social problem facing the country, especially with regard to the eradication of child labor, as the latest available data reveal that 1.758 million children and adolescents between the ages of 5 and 17 worked in Brazil before the pandemic. In this regard, the REDESCA reminds the State of Brazil of the obligation to protect the rights of children and adolescents, which include having a dignified life free from labor exploitation, as well as guaranteeing their right to education and living in dignified conditions that can guarantee their full and healthy development.⁴⁹⁴⁴⁹⁵⁴⁹⁶
354. In addition to the above, another budgetary issue that worries REDESCA would be the denunciation of insufficient resources for the promotion of racial equality in the country. The PLOA 2022 would provide R\$ 2.2 million reais, of which R\$ 1.8 million to promote affirmative action and combat racism, defined after the approval of the budget, R\$ 370,200 reais for the

⁴⁹⁰ Conjur, [Orçamento de sesmarias no bicentenário da independência brasileira](#), 7 September 2021

⁴⁹¹ IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 4

⁴⁹² INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

⁴⁹³ INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

⁴⁹⁴ INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

⁴⁹⁵ UNICEF [Trabalho infantil aumenta pela primeira vez em duas décadas e atinge um total de 160 milhões de crianças e adolescentes no mundo](#), June 10, 2021

⁴⁹⁶ IACHR, [Compendium on Labor and Trade Union Rights](#), Para. 44

operation of two councils. In addition, even if there has been an increase in the forecast of resources to promote the local development of the Quilombola remnant Communities and Other Traditional Communities, with R\$ 1.7 million reais, it would still be a modest amount taking into account the challenges of preserving the human rights of this vulnerable population. In this sense, the REDESCA calls on the State to allocate sufficient resources for the realization of plans, policies and projects that serve these communities.⁴⁹⁷⁴⁹⁸

355. On the other hand, despite the challenges posed by the coronavirus pandemic, which caused the closure of schools and the need to implement distance education in 2020, the REDESCA learned that Brazil would not have increased the budget allocated to basic education last year or in 2021. Likewise, although there is a scenario of increased domestic violence and social vulnerability derived from the pandemic, the REDESCA notes that there was a low budget execution of the resources approved for policies aimed at women. According to the information obtained, the execution of the resource allocated in 2021 for the realization of policies for women, until September of this year, is 25.3%. In 2020, the implementation of resources allocated to women was only 29.8%. In this regard, the Office of the Special Rapporteur urges the State of Brazil to adopt economic and fiscal mitigation and attention measures focused on the protection and guarantee of women's rights, particularly their ESCER, given the serious direct and indirect impacts that pandemic contexts and infectious health crises often generate.⁴⁹⁹⁵⁰⁰⁵⁰¹

356. Finally, the REDESCA expresses its concern with the fact that the population census, which was to be carried out by the IBGE (Brazilian Institute of Geography and Statistics) in 2021, has lost more than 90% of its funding, according to the final opinion of the Federal Budget, which had led to the cancellation of the survey. This situation led the Supreme Federal Court (STF) of Brazil to force the Brazilian federal government to take the necessary measures to carry out the Demographic Census in 2022. In this sense, REDESCA reinforces that the Census is fundamental to underpin the most diverse public policies in the country, especially in terms of economic, social, cultural and environmental rights.⁵⁰²⁵⁰³

F. Education, science, technology: academic freedom and university autonomy

357. Regarding the right to education, the REDESCA expresses its concern about the implications of the COVID-19 pandemic on the learning and development of children's skills. According to a study by the IMD World Competitiveness Center, Brazil had the worst evaluation among the 64 nations analyzed in the axis of education. The country's poor performance would be related to the quality and execution of public spending in this sector. Also, according to the aforementioned study, if

⁴⁹⁷ INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

⁴⁹⁸ IACHR, Report on the Economic, Social, Cultural, and Environmental Rights of Persons of African Descent: Inter-American Standards for the Prevention, Combat, and Eradication of Structural Racial Discrimination, March 16, 2021, p. 109.

⁴⁹⁹ G1, [Brazil is among countries that não increase resources for education in the pandemic. oecd diz. 16](#) September 2021

⁵⁰⁰ IBDFAM, About 17 milhões de mulheres foram vítimas de violência no Brasil em 2020, second Datafolha, June 8, 2021

⁵⁰¹ INESC, [Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022](#), September 2021

⁵⁰² UOL, [Censo perde 90% da verba e IBGE diz que corte torna pesquisa inviável](#), March 22, 2021

⁵⁰³ Governo do Maranhão, [STF determines that the Federal Government will carry out the 2021 Census](#), 28 April 2021

- evaluated in per capita terms, the world invests an average of 6,873 dollars per student per year, while Brazil would only invest 2,110 dollars. In addition, it was identified that, in relation to the enrolment rate in secondary education, the result was 23.8% lower than the world index. In relation to the proportion of access to higher education of people between 25 and 34 years old, Brazil would have a 22.2% lower index compared to the world index.⁵⁰⁴⁵⁰⁵
358. According to the results of the survey "Educational response to the COVID-19 pandemic in Brazil", 99.3% of Brazilian basic education schools suspended classroom activities during the pandemic. Compared to other countries, the survey reveals that Brazil had a longer period of suspension of classroom activities. The country's average was 279 days of suspension during the 2020 school year, considering public and charter schools, in contrast to the 173 days in Colombia and 180 days in Mexico, for example.⁵⁰⁶
359. In the same vein, a survey on learning loss in the pandemic presented results that concern the REDESCA, as it concludes that if distance learning is maintained throughout the 2021 school year (with the same quality and commitment as in 2020), learning loss for high school students could reach higher levels: 16 and 20 points in Portuguese Language and Mathematics, respectively, even jeopardizing their inclusion in the labor market and future income.⁵⁰⁷
360. Faced with these points, the Commission has expressed its opinion on the right to education, pointing out that States must have mechanisms that allow children and adolescents to continue with access to education and with the stimuli that their age and level of development require. Therefore, the REDESCA reinforces that the Brazilian State must maintain public policies to reduce the impacts on education as a result of the pandemic, demanding the effective combat of school dropouts, the improvement of the quality of distance education, the increase of access and commitment of students, the safe return to face-to-face or hybrid education with the necessary health measures and, finally, the intensification of actions for the recovery and acceleration of learning.⁵⁰⁸⁵⁰⁹
361. On the other hand, the REDESCA notes that 28% of families would not have access to the Internet in Brazil, and that percentage increases as income decreases, reaching 48% in rural areas. In total, 43.4% of public schools provided equipment such as computers, laptops, tablets and smartphones to teachers. On the other hand, in the case of municipal schools, this percentage is only 19.7%. When the issue is free or subsidized access to the Internet at home, the survey carried out by INEP

⁵⁰⁴ CNN [Educação brasileira está em último lugar em ranking de competitividade](#), June 17, 2021

⁵⁰⁵ CNN [Educação brasileira está em último lugar em ranking de competitividade](#), June 17, 2021

⁵⁰⁶ INEP, [Educational response à COVID-19 pandemic no Brazil](#), 8 July 2021

⁵⁰⁷ Unibanco Institute and Insper. Apprenticeship loss in pandemic, May 31, 2021.

⁵⁰⁸ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020.

⁵⁰⁹ IACHR, [Practical Guide No. 2: How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic?](#)

shows that 15.9% of the state network adopted measures in this regard; in the municipal network, the number registered was only 2.2%.⁵¹⁰⁵¹¹

362. In this sense, the REDESCA recognizes the initiative of the Brazilian State on the guarantee of access to the Internet for educational purposes for students and teachers of basic public education, guaranteeing an investment of R\$ 3,501,597,083.20 for its application, by the Executive Powers of the states and the Federal District in actions to guarantee access to the Internet for educational purposes to students and teachers of the public school network. of the states, the Federal District and the municipalities, due to the public catastrophe resulting from COVID-19.⁵¹²
363. Without prejudice to the above, and in relation to academic freedom, the REDESCA observes with concern the episodes of threats and other direct and indirect reprisals to the academic freedom of at least three academics in Brazil during the first semester of 2021, such as Pedro Rodrigues Hallal, professor at the Federal University of Pelotas (UFPEL), Eraldo dos Santos Pinheiro, pro-rector of Extension and Culture at UFPEL, and Conrado Hübner Mendes, professor at the University of São Paulo (USP).⁵¹³⁵¹⁴⁵¹⁵
364. In relation to the case of Professor Conrado, REDESCA and RELE issued a press release, recalling that academic freedom is a fundamental element for the strengthening of democracy, and includes the freedom of people to express their ideas and opinions without discrimination or fear of repression by the State or any other institution. The UN Committee on Economic, Social and Cultural Rights has highlighted the transcendental role of universities as centres of critical thinking and exchange of ideas. Along these lines, the Committee noted that "the right to education can only be enjoyed if it is accompanied by the academic freedom of teachers and students." The REDESCA highlights that there are a number of pressures - political and otherwise - on higher education teachers that require greater protection of their labor and trade union rights, as well as academic freedom, in order to enjoy all internationally recognized human rights without discrimination or fear of reprisals.⁵¹⁶
365. Therefore, the REDESCA reiterates that the State of Brazil must refrain from using judicial mechanisms that may violate the right to freedom of expression of the actors of the academic community, promoting a climate of self-censorship; and urges the authorities to promote and respect academic freedom and university autonomy.

⁵¹⁰ UN [COVID-19 e desenvolvimento sustentável: Avaliando a crise de olho na recuperação](#), September 29, 2021, p. 81

⁵¹¹ INEP, [Educational response à COVID-19 pandemic no Brazil](#), 8 July 2021

⁵¹² Brazil [Senate. Read n. 14.172/2021](#), June 10, 2021

⁵¹³ Aula Abierta, [Preliminary report: restrictions on academic freedom and expression of university students for questioning government management](#). Brazil. January-June 2021

⁵¹⁴ Metropoles, [CGU impõe mordaca de 2 anos a professores que criticaram Bolsonaro](#), March 3, 2021

⁵¹⁵ ADUSP, [Alvo de retaliação do procurador-geral Augusto Aras, professor Conrado Hübner recebe ampla solidariedade](#), May 17, 2021

⁵¹⁶ RELE/REDESCA, Press Release No. 139/21 - [The Special Rapporteurships express concern about the activation of criminal mechanisms for defamation against a university professor in Brazil and call on the State to respect academic freedom](#), 28 May 2021

366. Regarding scientific development, the Office of the Special Rapporteur expresses its concern about the information provided by the Latin American and Caribbean Bioethics Network (Redbioethics) of UNESCO (United Nations Educational, Scientific and Cultural Organization) on a possible ethical violation in Brazil during a study conducted in the state of Amazonas to test the use of the substance proxalutamide in patients with COVID-19. In this study, 200 people would have died. According to the information collected, the investigation was already in the crosshairs of the National Commission of Ethics and Investigation (Conep) of Brazil, which, in early September 2021, sent a report to the Attorney General's Office, requesting the investigation of the deaths of the participants in the study.⁵¹⁷⁵¹⁸
367. In this sense, REDESCA, in addition to regretting the reported deaths, urges the Brazilian control bodies to follow up on the complaints and offer a response to the very serious accusations of violation of the ethical principles of scientific research.
368. Finally, REDESCA regrets the fire that, on July 29, 2021, destroyed the Cinemateca Brasileira in São Paulo, affecting a historical collection of films, printed material and documents. According to the information gathered, the Federal Public Prosecutor's Office had already reported on the need to carry out structural reforms in the Cinematheque, which were not carried out by the government. In addition to affecting the right to culture of the Brazilian population, the devastation of the collection undermines the right to information and education in the field of cinema.⁵¹⁹

G. Human Mobility and ESCER

369. Regarding human mobility, the REDESCA notes that Brazil hosts more than 800,000 people from other countries, representing only 0.4% of the total Brazilian population. The five main nationalities registered as residents in the country are: Portuguese, Venezuelan, Haitian, Bolivian and Argentine.⁵²⁰
370. Although the country has a reasonably solid regulatory framework on refugees and migration, as well as on human trafficking, REDESCA is aware that migrants, mainly Venezuelans who are there, have great vulnerability and difficulties related to the guarantee of their ESCER, including the workplace, being especially susceptible to cases of trafficking in persons, since there are cases of exploitation, mainly in the field of domestic work, followed by agriculture and family farms, services, industry and others. In addition, a study by the International Organization for Migration

⁵¹⁷ DW [Unesco vê possível "violação ética gravíssima" em teste com proxalutamida](#), October 11, 2021

⁵¹⁸ DW [Unesco vê possível "violação ética gravíssima" em teste com proxalutamida](#), October 11, 2021

⁵¹⁹ Agência Senado, [Incêndio na Cinemateca é resultado de descaso do governo, apontam senadores](#), July 30, 2021

⁵²⁰ ESMPU. UNHCR [Percurso, percalços e perspectivas: a jornada do projeto Atuação em Rede: capacitação dos atores envolvidos no acolhimento, na integração e na interiorização de refugiados e migrantes no Brasil](#), 2020, accessed on 22 September 2021, p. 15

- (IOM) has reported that, of a total of 958 adults who were living in shelters in Boa Vista, only one individual reported that they would have formal work.⁵²¹⁵²²
371. At this point, the REDESCA understands that, in addition to punishing those responsible and strengthening the oversight bodies, the Brazilian State must adopt measures for the protection and social reintegration of victims, especially in the face of the pandemic, such as accommodation, medical care, psychosocial assistance and employment opportunities. In this regard, the Office of the Special Rapporteur recalls the importance of guaranteeing fair conditions so that people can carry out their work in a dignified and safe manner, while, on the other hand, it recommends the adoption of measures to provide sufficient means of subsistence so that people in vulnerable situations can go through the current crisis.⁵²³
372. On the other hand, the REDESCA welcomes as a good initiative of the Brazilian government the "Operação Acolhida" and the internalization of Venezuelan migrants. The Federal Government's internalization strategy, which voluntarily takes Venezuelan refugees and migrants from the state of Roraima and Manaus to other cities in the country, reached the milestone of 58,715 people benefited until September 2021, three years after its start in April 2018. In that period, 675 municipalities have welcomed the beneficiaries. The internalization strategy, which is supported by the R4V - Response to Venezuelans platform, composed of 48 civil society organizations and the UN, through UNHCR and IOM, has helped almost one in five Venezuelans in the country to improve their economic, housing and education situation, and to enjoy a better quality of life.⁵²⁴⁵²⁵²⁶
373. Within the framework of the project, it was also known that the Brazilian government vaccinates Venezuelans against various diseases, such as measles, yellow fever and diphtheria, and that everyone must undergo a medical examination before boarding. In addition, beneficiaries are screened for COVID-19-related symptoms during travel and after internalization.⁵²⁷

⁵²¹ UNODC. RACK4TIP, [Situational report Brazil: trafficking of pessoas em fluxos migratórios mistos, em especially of Venezuelans](#), 2021, p. 42

⁵²² IOM. DTM. MPI, [Socio-economic integration of Venezuelan migrants and refugees](#), July 2021, p. 17

⁵²³ IACHR, Resolution 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020

⁵²⁴ ILO [Labor Migration, mobility in the world of work in the face of the COVID-19 pandemic in Latin America and the Caribbean](#), April 2021, p. 24

⁵²⁵ Brazil [Estratégia de interiorização](#), September 22, 2021

⁵²⁶ UNHCR [Interiorização benefits more than 50 thousand refugees and migrants in Venezuela not Brazil](#), April 20, 2021

⁵²⁷ UNHCR [Interiorização benefits more than 50 thousand refugees and migrants in Venezuela not Brazil](#), April 20, 2021

8) CANADA

374. Regarding Canada, to follow up on the strategic lines of the mandate related to the enjoyment of ESCER, the REDESCA has closely monitored the challenges that have arisen throughout this year regarding the right to health and its social determinants, paying special attention to the response of the health system regarding the pandemic. The mandate has also followed up on the complex situation related to the right to a healthy environment and the climatic emergency conditions that the country is going through, especially with the events recorded by extreme heat waves and floods. In addition, the Office of the Special Rapporteur has monitored the impacts of business activity and human mobility on various ESCER, also monitoring the enjoyment of labor and trade union rights of the population. Below are the most significant findings.

A. Right to Health and its Social Determinants

375. The REDESCA has received data about the COVID-19 pandemic in Canada, in this regard it should be noted that, as of December 2, 2021, there are a total of 1,798,872 confirmed cases and a total of 29,737 people killed. On the other hand, the Office of the Special Rapporteur takes note of the vaccination situation in the country, since as of November 29, 2021, 75.50% of the total population has been vaccinated. With regard to access to the COVID-19 vaccine, Canada has been known to have inoculated the Pfizer-BioNTech, AstraZeneca, Moderna and Janssen vaccines.⁵²⁸⁵²⁹⁵³⁰

376. The Office of the Special Rapporteur highlights that Canada has one of the highest vaccination rates in the world, which has allowed it to cope with the waves of infections that occurred throughout 2021. Thus, in the month of July 2021, more than 70% of the population already had at least one dose of the COVID-19 vaccine, and about 50% of the population was fully immunized after being inoculated with the complete vaccination schedule.⁵³¹⁵³²

377. The REDESCA has been able to warn that, since the beginning of the pandemic, the State of Canada implemented severe isolation measures of the country, keeping its borders closed to tourism since last March 2020. In August, Canada reopened its borders to U.S. citizens with the complete vaccination⁵³³ schedule, and since Last September 7, to the rest of foreign tourists as long as they have the complete vaccination schedule.⁵³⁴

378. The REDESCA notes that while during the first few months of the pandemic First Nations remained relatively protected from⁵³⁵ contagion, according to information released by *indigenous Services*

⁵²⁸ Government of Canada, [Covid-19](#), December 2, 2021.

⁵²⁹ Government of Canada, [Covid-19 vaccination in Canada](#), November 26, 2021.

⁵³⁰ Government of Canada, [COVID-19 vaccination in Canada](#), 7 September 2021

⁵³¹ Bugle [Inequality and pandemic Canada and Zimbabwe: two opposing faces of coronavirus vaccination](#), 26 July 2021

⁵³² CNN, [Canada surpasses US vaccination rate as country prepares to reopen its borders](#), 20 July 2021

⁵³³ Insider, [Canada's border is finally reopening to fully vaccinated US tourists](#), August 8, 2021

⁵³⁴ CBC News, [Canada has opened up its borders to fully vaccinated foreign travellers. Are there risks?](#), September 8, 2021

⁵³⁵ Radio Canada International, [COVID-19: More than 11,000 cases in First Nations](#), January 14, 2021.

Canada, in early 2021, the rate of reported COVID-19 cases in First Nations people living on a reservation was 187% higher than the rate of the Canadian population as a whole. Additionally, the COVID-19 case fatality rate among these communities was approximately 46% to the case fatality rate of the Canadian population overall.⁵³⁶

379. The REDESCA welcomes that, in relation to the measures taken, the Government of Canada has adopted an Economic Response Plan to address the COVID-19⁵³⁷ pandemic. This Plan has measures for individuals, companies and indigenous communities.

380. With regard to access to the vaccine by indigenous communities, the REDESCA has been aware of the prioritization of vaccination of this population⁵³⁸ group, to try to address the specific problems related to accessibility to health services in these communities.⁵³⁹ According to the information released, at the beginning of August 2021, more than 62% of the indigenous population had received the full vaccination schedule.⁵⁴⁰ The REDESCA welcomes this conduct in line with the provisions of Resolution 1/2020, which called on States to take specific measures given the special vulnerability of indigenous peoples to COVID-19.⁵⁴¹

381. In the context of the pandemic, the REDESCA has observed with concern the serious inequality that indigenous communities have had to face. In this sense, according to the information surveyed, the systemic health, racial and social inequalities faced by indigenous communities before COVID-19 compared to the rest of the population have only increased during the pandemic, placing their members in a situation of greater vulnerability. The REDESCA is aware that one of the great consequences of COVID-19 has been the increase in situations of inequality in Canadian Indigenous communities.⁵⁴²⁵⁴³⁵⁴⁴

382. In other issues that are important to highlight, the REDESCA is aware that, some of the effects caused as a result of the pandemic, translate into the difficulties that exist in terms of access to medical services to support mental health by veterans since the beginning of the pandemic, as well as the increase in problems related to mental health, especially in children and adolescents, during the COVID-19 pandemic.⁵⁴⁵⁵⁴⁶⁵⁴⁷

⁵³⁶ Indigenous Services Canada, [Confirmed cases of COVID-19](#), April 2, 2021.

⁵³⁷ Government of Canada, [Canada's COVID-19 Economic Response Plan](#), 7 September 2021

⁵³⁸ Radio Canada International, [Vaccination of indigenous people is a priority despite the shortage of vaccines](#), 27 January 2021

⁵³⁹ Radio Canada International, [80% Reduction in COVID Cases in Canada's First Nations](#), April 26, 2021

⁵⁴⁰ CBC News, [COVID-19 in Indigenous communities: Over 62 per cent of First Nations and Inuit fully vaccinated](#), August 4, 2021

⁵⁴¹ IACHR, Resolution 1/2020, [Pandemic and Human Rights in the Americas](#), April 10, 2020

⁵⁴² CTV News, [A year later, Indigenous communities are fighting twin crises: COVID-19 and inequality](#), January 25, 2021.

⁵⁴³ Ibid.

⁵⁴⁴ Global News, [COVID-19 widened disparities for Canada's ethnocultural communities: study](#), May 6, 2021.

⁵⁴⁵ Global News, [Canadian veterans face increasing wait times for mental health services: reports](#), 22 January 2021

⁵⁴⁶ The News Center, [Ontario doctors foresee a huge demand for mental health services in the wake of the pandemic](#), January 28, 2021

⁵⁴⁷ Brad Ford Today, [Child and youth mental health problems have doubled during COVID-19](#), August 10, 2021

B. Climate Emergency and Human Right to Water

383. The Office of the Special Rapporteur notes that, in July, information was released about an exceptional and dangerous extreme heat wave that affected southwestern Canada, reaching over 49 degrees⁵⁴⁸ Celsius. Subsequently, there have been hundreds of forest fires, which affected more than 2.5 million forest hectares in several provinces of the country during the month of August 2021, the most affected being the province of British Columbia.⁵⁴⁹ This led to the declaration of a state of emergency in that province and the evacuation of more than⁵⁵⁰ 5,000 people.⁵⁵¹

384. At the same time, the REDESCA received information that, during the month of November 2021, a series of floods and torrential rains were reported in the same province. The severity of the storms even led to the destruction of the main road connecting the province to the rest of the country and mudslides that affected thousands of families. That caused the province to be cut off by land with the rest of the country, impacting distribution chains and the general movement of people.⁵⁵²⁵⁵³

385. In this regard, the Office of the Special Rapporteur takes note of the actions taken by the federal government to provide rapid emergency attention to all the people who were affected by the disaster. In particular, the REDESCA highlights that the State created a joint federal/provincial supply chain recovery working group to restore the flow of goods through the province. According to the state, beyond the preservation of life, all participants in the supply chain collaborate to ensure the circulation of essential goods, including food and other critical supplies.⁵⁵⁴

386. Similarly, the mandate notes that the State also took action to ensure care and basic aid to the indigenous populations of the province, seeking to provide funds to the emergency care services of the tribal councils of the first nations. Finally, the Office of the Special Rapporteur welcomes the fact that the federal and provincial governments, together with the leadership of the first nations; have decided to establish an action committee to articulate immediate help and support to British Columbia families, businesses and communities in the face of these events.⁵⁵⁵⁵⁵⁶

387. The REDESCA is concerned about this type of extreme events and disasters caused as a direct result of the context of climate change. The increase in this type of phenomenon, which, as noted, is becoming more frequent and of greater intensity, urges the adoption of measures by States to

⁵⁴⁸ The Country, [Canada at 49 degrees: the keys to increasingly frequent heat waves](#), July 2, 2021

⁵⁴⁹ Agency Anatolia, [Hundreds of wildfires threaten several cities in Canada](#), August 9, 2021

⁵⁵⁰ Aljazeera, [Canada's BC declares state of emergency as wildfires surge](#), 20 July 2021

⁵⁵¹ Weather, [Evacuations continue in Canada due to advancing fires](#), July 23, 2021

⁵⁵² New York Times, [Vancouver Is Marooned by Flooding and Besieged Again by Climate Change](#), 21 of November Feb 2021

⁵⁵³ Al Jazeera, [Floods, mudslides bring chaos to Canada's British Columbia](#), 18 of November Feb 2021

⁵⁵⁴ Government of Canada, [Governments of Canada and British Columbia announce joint supply chain recovery working group](#), 20 of November Feb 2021

⁵⁵⁵ Government of Canada, [Indigenous Services Canada providing funding to support First Nations in British Columbia affected by recent flooding](#), 22 of November Feb 2021

⁵⁵⁶ Government of Canada, [Prime Minister and Premier of British Columbia announce new committee to address extreme weather and climate resilience in the province](#), 26 of November Feb 2021

protect the right to a healthy environment. Likewise, it should be emphasized that the countries of the hemisphere committed themselves within the framework of the approval of the Sustainable Development Goals to adopt urgent measures to combat climate change and its effects, which requires a coordinated and cooperative work of the international community as it is an issue that transcends borders.

388. With regard to the human right to water, the REDESCA has learned that, to this day, there are still First Nations who do not have access to drinking water. According to the report presented to the Canadian Parliament by the Auditor General, the federal government has not taken sufficient action to ensure that people in Indigenous communities have reliable access to safe drinking water, as there are no long-term solutions to address deficiencies in water systems.⁵⁵⁷⁵⁵⁸

389. The REDESCA recalls that access to water is a necessary element to guarantee the right to life, the right to personal integrity and is inherent in the right to health. From a transversal perspective, of indivisibility and interdependence, its close and fundamental relationship with other human rights, in particular, food, housing, education and healthy environment, must also be emphasized, which places it as a determining element and precondition for respect and guarantee of those rights.

390. In relation to this right, the REDESCA has noted the conclusion of an agreement by the Government of Canada in the framework of the class action lawsuit on access to drinking water filed by several Indigenous communities. The REDESCA welcomes the dialogue and the amicable settlement of a dispute that implies a basic human right such as access to drinking water.⁵⁵⁹

391. According to the information released, the REDESCA has been able to learn about the approval of Law C-230 of the National Strategy for the Reparation of Environmental Racism. This Law will allow the collection of data on the location of environmental hazards and the magnitude of health problems, which allow legislators to make policy recommendations to address the situation and have the participation of affected communities in the development of environmental policies, among other aspects. The REDESCA welcomes such an initiative that seeks to combat systemic racism rooted in the laws, policies and institutions that govern our societies.⁵⁶⁰⁵⁶¹

C. Business and Human Rights

392. With regard to business activities and their impacts on human rights, the REDESCA welcomes the definitive launch of the Office of the Ombudsperson on Responsible Enterprises. In that sense,

⁵⁵⁷ CBC News, [Too many First Nations lack clean drinking water and it's Ottawa's fault, says auditor general](#), February 25, 2021. Radio Canada International [Many First Nations still do not have access to safe drinking water](#), 26 February 2021.

⁵⁵⁸ Office of the Auditor General of Canada, [Report 3—Access to Safe Drinking Water in First Nations Communities—Indigenous Services Canada](#), 25 February 2021

⁵⁵⁹ The Guardian, [Canada reaches Carbon clean water deal with First Nations after decades-long battle](#), August 3, 2021. Canadian Lawyer Magazine, [Canada resolves class actions on First Nations drinking water](#), August 3, 2021.

⁵⁶⁰ Parliament of Canada, [BILL C-230 - An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice](#), March 24, 2021

⁵⁶¹ Reuters [Canada votes to collect data to document "environmental racism"](#), March 24, 2021. Radio Canada International [Deputies approve law to remedy situations of "environmental racism"](#), February 25, 2021.

- within its activities the office launched its online portal to receive complaints. The objective of this initiative is to provide greater facilities so that all people who have access to the internet can file a complaint.⁵⁶²
393. Similarly, the REDESCA takes note of the publication of the Office's guidelines for initiating ex officio investigations for possible violations of rights. According to the office, these criteria that are applied take into account the following characteristics of the situation to be determined: a) that it is a systematic situation of violations, b) it is people in a situation of vulnerability and historically excluded communities, c) that the nature of the situation is appropriate for a transparent review by an autonomous body, d) that the findings have a significant impact on strengthening respect for human rights by business and e) that they are of strategic relevance to the mandate of the Ombudsperson.⁵⁶³
394. In this regard, the REDESCA welcomes the fact that the office of the Ombudsperson has decided to open an investigation into the possible use of child labor in the supply chains of Canadian clothing companies. According to a letter addressed to the country's Minister of Foreign Trade, the Ombudsperson notes that the study will focus on determining the existence and scope of policies and practices in the overseas operations of Canadian garment companies that endanger the rights of the child, including those that contribute to the use of child labor that is mental, physically, socially or morally dangerous and harmful to children. The study will also examine the establishment of human rights due diligence by Canadian garment companies to identify, prevent, mitigate and account for these risks. It will begin with an anonymous in-depth study of Canadian companies on the obstacles to ensuring transparency in their supply chains and their establishment of human rights due diligence, including impact assessments on children's rights.⁵⁶⁴
395. The REDESCA takes note of the alarms of the environmental impact that the green mining of lithium, copper and graphite practiced by Canadian companies in different countries of the region, in particular, there is information that 20% of the environmental conflicts on the planet are due to mining in general, in addition lately it has expanded rapidly in fragile and diverse ecosystems such as tropical forests, glacial areas, salt flats, mountain ranges and wetlands. On the other hand, the REDESCA has warned that Canadian mining companies have established themselves as the ones that invest the most in energy and mining projects in the Amazon. ⁵⁶⁵⁵⁶⁶
396. The Office of the Special Rapporteur expresses its concern about the situation in Cosalá, Mexico, the region where a Canadian company operates that was accused of sabotaging union negotiations. In particular, the REDESCA notes that in this case the Oral Control Judge of Mazatlan, issued a

⁵⁶² Office of the Ombudsperson envelope Enterprises Responsible, [Canadian Human Rights Ombud launches online complaint process as key part of global mandate to protect rights](#), 15 of March Feb 2021

⁵⁶³ Office of the Ombudsperson on Responsible Enterprises, [Criteria for initiating ex officio investigations](#), April 14, 2021

⁵⁶⁴ Office of the Ombudsperson envelope Enterprises Responsible, [Letter to Minister Ng regarding launch of CORE study on possible use of child labor in supply chains of Canadian garment companies](#), 14 of December Feb 2021

⁵⁶⁵ El Confidencial, [Warn of the environmental impact of green mining of lithium, copper and graphite](#), November 25, 2021.

⁵⁶⁶ Chinese Dialogue, [Canada dominates the energy and mining of the Amazon](#), 1 June 2021.

- ruling on August 12, in which it recognizes the current composition of the union and forces the company to recognize it for future collective bargaining.⁵⁶⁷⁵⁶⁸
397. Similarly, REDESCA takes note of a complaint filed with the OECD by civil society organizations, alleging that Canada's National Contact Point (NCP) has failed to meet its responsibilities in handling a complaint filed against a mining company. The complaint indicates that actions were identified that would violate the OECD's procedural guidelines in terms of impartiality, predictability, fairness and compatibility with the guidelines, as well as two of the central criteria of the guidelines for NCPs, transparency and accountability. Civil society contends that these violations constitute a breach by the NCP of its responsibilities to ensure fair and effective processing of the claim, to the detriment of the complaining party.⁵⁶⁹
398. The REDESCA welcomes the initiatives carried out by the State through the establishment of the Ombudsperson but expresses its concern about the impacts that Canadian-owned companies are having on the enjoyment and enjoyment of human rights by people in different parts of the region. In this regard, the REDESCA reminds the State that under the concept of extraterritoriality, mechanisms, policies or normative frameworks aimed at addressing the challenges in this field must incorporate and recognize the extraterritorial application of the obligations arising from international human rights law, whether with respect to States or their effects on the same companies or non-State actors, so as not to leave the people and communities involved unprotected, either, for example, by regulating, preventing or having effective resources for investigation and reparation, as appropriate.⁵⁷⁰
399. Along these lines, the REDESCA emphasizes that the investigation and possible sanction of companies domiciled in the territory or under the jurisdiction of a State that generates local or transnational effects on human rights does not necessarily mean lifting the institution of the corporate veil or discarding the legal personality of the parent company by the acts of its subsidiaries or companies by the acts of their business partners, but for their own acts or omissions in the field of human rights with respect to the identified case, such as respect for them and the application of due diligence in this area.⁵⁷¹

D. Labor and Trade Union Rights

400. With regard to Canada, according to the information released, the REDESCA has noted that, in the context of the protests carried out by unions during Labor Day, they demanded the need to prioritize labor rights in public recovery policies, especially in terms of occupational risk prevention or occupational health and safety protocols. Particularly their claims focus on people

⁵⁶⁷ The Day, [Canadian company sabotages agreement to reopen Cosalá mine](#), 9 July 2021

⁵⁶⁸ Social Network of the President of the Mining Union of Mexico, [Pronouncement by networks](#), August 18, 2021

⁵⁶⁹ OECD Watch, [Substantiated Submission to the OECD Investment Committee concerning the Canadian NCP's handling of the complaint Bruno Manser Funds vs. Hurt](#), 22 of September Feb 2021

⁵⁷⁰ IACHR, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 52

⁵⁷¹ IACHR, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 136

in the service and construction sector, who in their opinion in more than 100 years continue to demand better and safer working conditions.⁵⁷²⁵⁷³

401. Likewise, according to the information released, the Office of the Special Rapporteur emphasizes that, in August, the Federal Government of Canada imposed the mandatory vaccination for public workers, as well as for workers in the regulated transport sectors and some of their passengers. Among the measures adopted in labor matters, it is worth mentioning, among other measures, the creation of a⁵⁷⁴*Canada Recovery Sickness Benefit* (CRSB) for workers who are infected with COVID-19, workers who must isolate or remain in quarantine or workers with a vulnerable state of health who are at greater risk of contagion.⁵⁷⁵

402. In relation to the above, taking into consideration the actions taken by the State to extend benefits to people in vulnerable situations who see their right to work endangered, the mandate also highlights that the State has sought to carry out actions to cushion the impacts of the pandemic. In this regard, the REDESCA recalls that Resolution 1/2020 of the IACHR states that any strategy, policy or state measure aimed at confronting the COVID-19 pandemic and its consequences has a human rights approach, including plans for social and economic recovery that are formulated.⁵⁷⁶

E. Fiscal and Economic Policies

403. The REDESCA welcomes the efforts of the Canadian authorities to incorporate into the 2021 budget a recovery plan for jobs, growth and resilience (*Budget 2021*), in an attempt to ensure economic recovery for the benefit of the Canadian population. Budget 2021 is an investment that seeks to address the specific wounds of the recession caused by COVID19, actions are intended to create jobs, grow the middle class, put companies on the path to long-term growth and ensure that Canada's future is healthier, more equitable, greener and more prosperous.⁵⁷⁷

404. In addition, the Office of the Rapporteur notes that the *Budget 2021* plan seeks to invest in Canada's biomanufacturing and life sciences sector to rebuild national vaccine manufacturing capacity, and has a plan to establish national standards for long-term care and mental health services.⁵⁷⁸

405. On the other hand, the REDESCA has warned that the *Budget 2021* plan aims to save Canadian companies affected by the crisis and strengthen the economic recovery. It proposes extending business and income support measures until the autumn and making investments to create jobs and help businesses across the economy to re-emerge. Support nearly 500,000 new training and job opportunities, including 215,000 opportunities for young people; support businesses in our

⁵⁷² CNC News, [Unions demand better protection for workers during COVID-19 pandemic at Toronto Labor Day march](#), 6 September 2021

⁵⁷³ Ditto

⁵⁷⁴ Government of Canada, [Government of Canada to require vaccination of federal workforce and federally regulated transportation sector](#), August 13, 2021

⁵⁷⁵ CTV News, [Sickness benefit available. feds willing to help provinces vaccinate: PM Trudeau](#), April 6, 2021.

⁵⁷⁶ CIDH, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), p. 8.

⁵⁷⁷ Government of Canada, [Budget 2021: A recovery plan for jobs, growth and resilience](#), April 19, 2021.

⁵⁷⁸ Ibid.

- most affected sectors, such as tourism and arts and culture; and accelerate investment in the digital transformation of small and medium-sized enterprises⁵⁷⁹
406. The Office of the Special Rapporteur highlights that the *Budget 2021* plan makes a generational investment to build an early learning and childcare system throughout Canada. This is a plan to boost economic growth, a plan to increase women's participation in the workforce, and a plan to offer every child in Canada the best start in life. Budget 2021 is an inclusive plan that takes steps to break down barriers to full economic participation for all Canadians.⁵⁸⁰
407. The REDESCA has been able to observe that the *Budget 2021* plan will invest nearly \$30 billion over the next five years and provide permanent and ongoing funding, working with provincial and territorial and indigenous partners to support quality, not-for-profit childcare, and ensure that the needs of early childhood educators are at the heart of the system.⁵⁸¹
408. In the same sense, the REDESCA notes that in the *Budget 2021* plan it seeks to be a plan that fosters a green recovery that fights against climate change, helping more than 200,000 Canadians to make their homes greener, building a net zero economy by investing in world-leading technologies that make the industry cleaner, helping Canada reach its goal of conserving 25 per cent of our lands and oceans by 2025 and creating good middle-class jobs in the green economy along the way.⁵⁸²
409. The REDESCA celebrates the implementation of Canada's first poverty reduction strategy, which has as fundamental pillars that the Canadian middle class lives with dignity, opportunities and inclusion and improves resilience and security, that is, it seeks that all Canadians deserve to be treated fairly and have the means and capacities to grow and participate fully in the development of their communities. In addition, the REDESCA highlights that this new strategy is innovative, because for the first time in history, the country will be introducing an official poverty line for Canada, as well as targets to reduce poverty by 20% by 2020 and 50% by 2030 based on the official measure of poverty, in the same sense it introduces a set of indicators to measure and monitor the significant dimensions of poverty and inclusion, it also supports data sharing, knowledge creation and engagement with Canadians, in part through the establishment of a National Advisory Council on Poverty, enshrined in the Act.⁵⁸³

F. Education, science, technology: academic freedom and university autonomy

410. The REDESCA takes note of the problems that have occurred at the University of Ottawa, where a series of riots, provoked by expressions of a professor against the LGBTI+ community, altered the order in the university. Attentive to this problem, it is noteworthy that the University suspended the professor; however, several dozen professors expressed their dissatisfaction and signed a letter supporting the teacher based on academic freedom. It is for this reason that, with the

⁵⁷⁹ Ibid.

⁵⁸⁰ Ibid.

⁵⁸¹ Ibid.

⁵⁸² Ibid.

⁵⁸³ Government of Canada, [Canada's first poverty reduction strategy](#), May 2021.

- support of more than 550 professors, they signed a public letter denouncing an "attack" on academic freedom.⁵⁸⁴
411. On the other hand, the Office of the Special Rapporteur has warned that the CAUT Council has voted to lift the censure against the administration of the University of Toronto, since the University complied with each and every one of the measures recommended by CAUT, even the University has promised to extend academic freedom to academic management positions.⁵⁸⁵
412. The REDESCA highlights the mobilization of university professors from Ontario, who demand a new employment contract that favors preserving the quality and integrity of education in the region; In addition, the ownership of the faculties over the materials of the courses they produce is claimed, as a necessary condition for a quality education, thus also protecting academic freedom.⁵⁸⁶

G. Human Mobility and ESCER

413. The REDESCA notes that immigration, refugees and citizenship Canada announced that, by the end of the year, 6,000 immigration applications for people dedicated to family support and care will be treated as a priority.⁵⁸⁷
414. The Office of the Special Rapporteur has warned that international graduates and health workers could obtain permanent residence in Canada, within the framework of special public policies and with additional avenues of application, as announced by the Ministry of Immigration. The REDESCA calls for special consideration of the situation of those Nicaraguan students and professionals in the health sector who have had to leave their country in the context of the political and social crisis, without counting on the cooperation of the State of Nicaragua to obtain their degrees and academic records.⁵⁸⁸
415. The REDESCA has also been informed of the Report on Detention Centers in Canada and their Impact on Mental Health. Human Rights Watch and Amnesty International, according to the report, found that since 2016, Canada has held more than 300 immigrants in detention for more than a year and therefore recommends that the State of Canada abolish migrant detention and establish an independent body to monitor and investigate the CBSA, to which detained immigrants can file complaints in case of allegations of abuse, negligence or other human rights issues, to hold the government accountable.⁵⁸⁹⁵⁹⁰

⁵⁸⁴ University World News, [Report Bastarache - Academic Freedom and University of Ottawa](#), November 11, 2021.

⁵⁸⁵ LOOKING [The CAUT Council votes to lift the censure of U of T](#), November 30, 2021.

⁵⁸⁶ LOOKING, [Looking stands in solidarity with Ontario university professors seeking a fair contractual settlement](#), November 2, 2021.

⁵⁸⁷ Radio Canada International, [Canada to Speed Up Immigration Process for Thousands of Domestic Helpers](#), April 16, 2021.

⁵⁸⁸ Jamaica Gleaner, [Canada offers permanent residency for C'bean temporary workers, graduates](#), April 17, 2021.

⁵⁸⁹ Human Rights Watch and Amnesty International, ["I didn't feel like a human in there". Immigration Detention in Canada and its impact on mental health](#). June 2021

⁵⁹⁰ Ibid.

9) CHILE

416. With regard to economic, social, cultural and environmental rights in Chile, the REDESCA has closely monitored the effects of the pandemic on the enjoyment of the right to health, as well as has been following the projects and laws regarding climate change. In addition, the Office of the Special Rapporteur has monitored the impacts of companies on human rights, the policies, fiscal and economic policies adopted, and the special situation of the rights to education, labor and trade union rights of the population. On the other hand, the REDESCA observes with concern the situation of ESCER of people in a situation of human mobility in Chile. In this context, each of these lines of action of the strategic agenda of the REDESCA is developed.

A. Right to Health and its social determinants

417. Faced with the guarantee of the right to health, the REDESCA highlights the efforts of the State of Chile to strengthen the capacities of the health system in order to respond to the emergency, as well as to vaccinate the population. Chile reported its first confirmed case of COVID-19 on March 3, 2020, and, according to official data from the Chilean government, on November 16, 2021, 1,730,456 confirmed cases of COVID-19 and a total of 38,005 people died in the country.⁵⁹¹

418. The Office of the Special Rapporteur notes that, in response to the COVID-19 pandemic, Chilean authorities have implemented a series of measures, including the declaration of a state of catastrophe, which was extended until September 2021, travel restrictions, school closures, curfews and bans on public gatherings, and a Telework Law.⁵⁹² Likewise, the REDESCA has learned that the government has launched a gradual plan for the reopening and elimination of quarantine measures. Five steps have been established, from quarantine to advanced opening, through which municipalities will pass based on various criteria, such as the rate of reproduction of the virus, the occupation of hospital beds and the expected rate of regional active cases.⁵⁹³

419. Despite the information provided by the Chilean government, the REDESCA highlights with concern the conclusion of an investigation conducted by FLACSO on the right to health and the COVID-19 pandemic in 2021 in Chile, by which it was identified that one of the main problems facing Chile in relation to the right to health is the existence of a strong commodification of health services, that is, that health is marketed as a commodity and that its quality depends mainly on the ability to pay of each individual. In addition, excessive inequality in access to health care has been detected, which segments the population between those who can count on timely and quality care, and those who cannot.⁵⁹⁴

420. Likewise, the researchers also identified that the Chilean authorities chose to control the pandemic with "hospital-centric" measures of decisions that, from the beginning, would favor the treatment of infected people instead of the prevention and monitoring of infections. Initially, the government's material efforts were directed at financial support to hospitals, leaving aside more

⁵⁹¹ Government of Chile, [Official figures: COVID-19](#), November 16, 2021

⁵⁹² IMF [Policy responses to Covid-19: Chile](#), retrieved 29 September 2021

⁵⁹³ IMF [Policy responses to Covid-19: Chile](#), retrieved 29 September 2021

⁵⁹⁴ FLACSO, The COVID-19 pandemic: the right to health in tension. An exploratory qualitative study in Chile, Colombia, Costa Rica and Mexico. Presented to REDESCA on October 11, 2021

effective territorial tools such as traceability, *on-site* follow-up and early isolation of close contacts. In this sense, while recognizing the actions implemented by the Chilean government to combat the pandemic, the REDESCA points out that there are still challenges that must be faced to achieve universal access to health in the Chilean State, which can even be improved through the new Constitution, which is currently being widely discussed.⁵⁹⁵

421. On the other hand, the Office of the Special Rapporteur notes with concern that, according to data published by the Ministry of Health (Minsal), between March 1, 2020 and January 2, 2021, 7.4% of the total cases of COVID-19 infections corresponded to health workers. Of these, 4.9 per cent had been admitted to a hospital. This means that 52,241 of the country's 706,921 total infections were suffered by health personnel. In addition, ⁵⁹⁶⁵⁹⁷FLACSO research identified problems in ensuring safe and healthy working conditions, strenuous working hours, lack of safe commuting conditions, and absence of mental health support. The situation is aggravated in the case of informal workers, whose conditions, marked by the absence of social protection, force them to work anyway, exposing them to the constant risk of contracting COVID-19. ⁵⁹⁸ Therefore, the REDESCA reiterates to the State the need to promote, provide and guarantee the right to physical and mental health of people, in particular health personnel who face greater risks during the pandemic.⁵⁹⁹

422. In relation to vaccination, the REDESCA highlights that, according to a study published by the international consultancy Ipsos, Chile is the country that has best managed the COVID-19 pandemic and the vaccination process in Latin America, divided into an early and diversified negotiation strategy, as well as the country's extensive primary care network. ⁶⁰⁰ The government has received doses of vaccines from Pfizer-BioNTech, Sinovac, AstraZeneca-Oxford and CanSino to vaccinate its population and, according to official information, vaccination began at the end of December 2021 and, on November 15, 2021, 13,758,168 million people completed their vaccination, that is, the excellent figure of 90.51% of the population. ⁶⁰¹ Likewise, the State reported that, as of September 22, 2021, a total of 36,312,084 doses have been received, of which 23,671,476 doses are from SINOVAC, 8,439,600 from Pfizer, 3,625,100 from AstraZeneca (of which 2,806,700 arrived by direct contract and 818,400 by COVAX) and 575,908 Cansino vaccines.⁶⁰²

423. However, the REDESCA notes that, despite being the Latin American leader in vaccination, in 2021, in Chile the numbers of contagion increased, reaching critical numbers, with critical bed occupancy levels above 95%. Experts point out that the causes of this situation are multiple, but

⁵⁹⁵ FLACSO, The COVID-19 pandemic: the right to health in tension. A qualitative exploratory study in Chile, Colombia, Costa Rica and Mexico. Presented to REDESCA on October 11, 2021

⁵⁹⁶ Ministry of Health, Government of Chile, [MINSAL Report on Health Personnel](#), 12 January 2021

⁵⁹⁷ CNN Chile, [Nearly 52,000 health officials have been infected with COVID-19 as of January](#), 2 February 2021

⁵⁹⁸ FLACSO, The COVID-19 pandemic: the right to health in tension. An exploratory qualitative study in Chile, Colombia, Costa Rica and Mexico. Presented to REDESCA on October 11, 2021

⁵⁹⁹ IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

⁶⁰⁰ Cooperativa.cl, [Ipsos: Chile is the country that has best managed the pandemic in Latin America](#), 24 July 2021

⁶⁰¹ Government of Chile, [Vaccine counter](#), November 15, 2021

⁶⁰² Ministry of Foreign Affairs of Chile, Response to the Redesca request for information on the distribution, access and acquisition of COVID-19 Vaccines, September 30, 2021

- they highlight the policies implemented to face the pandemic, the fatigue due to the measures, the return of the summer holidays and the confidence in immunization after the massive arrival of vaccines.⁶⁰³
424. The Office of the Special Rapporteur learned that, on February 10, 2021, the Government of Chile, through the Ministry of Health, issued a resolution on technical operational guidelines within the framework of the vaccination campaign against Sars-Cov 2. In its numeral 3 of the resolute part, it indicated that the population that comprised the vaccination campaign would be those of Chilean nationality, those who had permanent residence or student visa or subject to contract or in process. Within these enumerations, foreigners with a tourist visa or who are temporarily or irregularly in the country were excluded. Faced with this situation, Amnesty International of Chile warned the Government that this decision deviated from a policy that guarantees rights, choosing the path of discrimination and the denial of rights to vulnerable populations of the country, such as the migrant population.⁶⁰⁴⁶⁰⁵ In this regard, the REDESCA recalls that Resolution 1/2021 of the IACHR establishes that States must ensure the distribution of vaccines, and their equitable and universal access. Therefore, they must refrain from discriminatory treatment through the removal of normative, regulatory or any other obstacles that could lead to this practice, as well as create conditions of real equality against groups that have historically been violated in their rights, or that are at greater risk of suffering discrimination.⁶⁰⁶⁶⁰⁷
425. Regarding the distribution, access and acquisition of COVID-19 vaccines, the REDESCA notes that the Chilean State, in response to the request for information sent by REDESCA, reported that an Interministerial Committee had been created for the availability of the COVID-19 vaccine. Thus, one of the strategies of the committee was to ensure the supply of vaccines to contain the pandemic. According to the Chilean government, initial direct agreements were made with the pharmaceutical companies Pfizer, Sinovac, AstraZeneca and Cansino, while participating in the Global Access Mechanism to the Covid-19 Vaccine (COVAX) through the optional purchase agreement modality.⁶⁰⁸
426. In addition, the Office of the Special Rapporteur congratulates the State on the State, considering that, for the vaccination campaign against SARS-CoV-2, the prioritization of the target population was taken into account, in accordance with criteria of health risk and criticality recommended by national and international technical entities. The Ministry of Health has reported that it uses various platforms to be able to deliver reliable and timely information to citizens on vaccination especially through digital media, such as web portals, official website of MINSAL and the

⁶⁰³ BBC New, BBC and "the paradox of Chile": how to explain that despite the successful vaccination campaign has the highest infection rate since the worst moment of the pandemic, 11 March 2021

⁶⁰⁴ Ministry of Health, Government of Chile, [Resolution No. 136](#), 10 February 2021

⁶⁰⁵ Amnesty International Chile, [Chile: National Plan must include COVID-19 vaccines for all people residing in the country](#), 10 February 2021

⁶⁰⁶ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 1

⁶⁰⁷ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 1

⁶⁰⁸ Ministry of Foreign Affairs of Chile, Response to the Redesca request for information on the distribution, access and acquisition of COVID-19 Vaccines, September 30, 2021

- Department of Immunizations, government website, dissemination on social networks, television, radio and advertising, and in weekly press points.⁶⁰⁹
427. Regarding measures to promote the flexibilization of patents and other intellectual property instruments, the Office of the Special Rapporteur on ESCER notes that the State reported that Chile has not adopted measures to make Intellectual Property more flexible, since no cases have been identified in which intellectual property has been presented as a barrier to access to vaccines, medicines or treatments for Covid-19. Therefore, the REDESCA highlights that Resolution 1/2021 of the IACHR affirms that intellectual property is a social product, so it cannot constitute an impediment to human rights, and in particular to the right to health in a context of pandemic. Thus, the Office of the Rapporteur encourages the State to adopt actions that promote the exchange of information on the development of vaccines, as well as to ensure that economic value and regulation do not constitute an obstacle to the acquisition of inputs, technologies, and vaccines.⁶¹⁰⁶¹¹
428. With regard to the participation and/or promotion of effective international and regional actions, based on a human rights approach and focused on international solidarity, the REDESCA welcomes the fact that Chile participates, through the Ministry of Health, in the COVAX mechanism for the acquisition of vaccines. Through this mechanism, Chile has acquired doses of the AstraZeneca vaccine (818,400 doses). It also participates in the Accelerating Access to Covid-19 Tools (ACT) mechanism. This mechanism brings together governments and health organizations, scientists, businesses, civil society organizations and philanthropists to accelerate the development and production of Covid-19 tests, treatments and vaccines and equitable access to these goods. At the regional level, within the framework of PROSUR, Chile donated 20,000 doses of vaccines to Ecuador and Paraguay in response to the humanitarian catastrophe caused by Covid-19, in order to accelerate the vaccination of health personnel in these countries.⁶¹²⁶¹³⁶¹⁴
429. Continuing with the issue of vaccination, the REDESCA learned that Chile, within the school vaccination plan, is vaccinating children from 6 to 11 years old, and, since August 2021, the government is providing booster doses initially for those who have completed six months of Sinovac vaccination doses, for people over 55 years of age and immunosuppressed people.⁶¹⁵⁶¹⁶

⁶⁰⁹ Ministry of Foreign Affairs of Chile, Complementary response to the Request for Information from the Redesca on distribution, access and acquisition of COVID-19 Vaccines, October 5, 2021

⁶¹⁰ Ministry of Foreign Affairs of Chile, Response to the Redesca request for information on the distribution, access and acquisition of COVID-19 Vaccines, September 30, 2021

⁶¹¹ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 28.

⁶¹² Ministry of Foreign Affairs of Chile, Response to the Redesca request for information on the distribution, access and acquisition of COVID-19 Vaccines, September 30, 2021

⁶¹³ Ministry of Foreign Affairs of Chile, Response to the Redesca request for information on the distribution, access and acquisition of COVID-19 Vaccines, September 30, 2021

⁶¹⁴ Ministry of Foreign Affairs of Chile, Distribution, Access and Acquisition of COVID-19 Vaccines in the Member Countries of the Organization of American States, IACHR/REDESCA/Art.41/08-2021/214. September 30, 2021

⁶¹⁵ Government of Chile, [Vaccine counter](#), November 15, 2021

⁶¹⁶ University of Chile, [Booster doses: a key step in COVID-19 vaccination](#), August 24, 2021

430. In the area of mental health, the REDESCA welcomes the approval of Law n. 21,331 on "Recognition and Protection of the Rights of Persons in Mental Health Care", promulgated on May 11, 2021, whose objective is to recognize and protect the fundamental rights of people with mental illness or mental or intellectual disability. In the same vein, the REDESCA points out as relevant the government program "Healthy-Mind", whose objective is to establish a comprehensive plan for well-being and mental health associated with the COVID-19 pandemic, and, since its launch in 2020 until May 2021, it has served more than 174,000 people at a distance.⁶¹⁷⁶¹⁸
431. Likewise, the REDESCA follows the 2018 bill that seeks to modify the Chilean Penal Code so that abortion decided by the woman ceases to be a crime, as long as it is within the first 14 weeks of gestation. The bill was approved in the Chamber of Deputies on September 28, 2021 and will return to the Commission on Women and Gender Equality for debate. In this regard, the REDESCA recalls that people, especially women, have the right to exercise free control over their sexuality and reproduction without suffering discrimination, coercion or violence.⁶¹⁹
432. In relation to the issue of reproductive rights, according to information to which the Office of the Special Rapporteur had access, there has been an increase in various socio-health barriers for women of childbearing age to access sexual and reproductive health services, especially in the public health system. Along these lines, REDESCA was able to identify as barriers: 1) the lack of stock of contraceptive medicines and benefits in public health facilities; 2) the lack of information and effective implementation regarding Law 21.030 (Law on the Voluntary Interruption of Pregnancy – I.V.E) promulgated in Chile in September 2017; and (3) the sale and distribution of contraceptive pills with compositional errors.⁶²⁰⁶²¹⁶²²
433. Regarding this last fact, the Office of the Special Rapporteur was informed that at least 5 batches of contraceptive pills of various brands and from different pharmaceutical laboratories have had to be withdrawn from circulation by the Institute of Public Health due to failures in their composition. However, and in the absence of official information, it has not been possible to establish the approximate number of pills that have circulated both in the pharmaceutical market and in the public health services (CESFAM). In this sense, these facts could generate a serious impact on the rights to health, especially the sexual and reproductive health of women; because without this precise information, it is not possible to measure the impact of this pressing situation and, thus, to record relevant solutions and repairs.⁶²³

⁶¹⁷ BCN, [Law-21331](#), May 11, 2021

⁶¹⁸ Presidency Press, President Piñera announces publication of new Mental Health Protection Law: "The fight against mental health diseases, especially in these times of pandemic, needs the soul of our country", May 11, 2021

⁶¹⁹ Cooperativa.cl, [Lower House approved in general bill that decriminalizes abortion up to 14 weeks](#), 28 September 2021

⁶²⁰ 24 hours, [Minister Mañalich officiated for difficulties of women to access contraceptives in public health centers](#), 26 May 2020

⁶²¹ Ciper Chile, [All the obstacles and pressures that prevent women from accessing abortion for three reasons](#), September 4, 2018

⁶²² Biobio Chile, [ISP Reports Withdrawal of Two Other Defective Contraceptives](#), 7 October 2021

⁶²³ Radio Jgm, [Failed contraceptives: Violation of women's sexual and reproductive rights by the State](#), November 6, 2020

434. However, with the above, according to information received by this Office of the Special Rapporteur presented by civil society organizations, it has been possible to identify that at least 269 women became pregnant in an unwanted or planned manner, after the use of contraceptive pills with composition problems. Likewise, this Office of the Rapporteur learned that 3 pregnant women have requested to voluntarily terminate their pregnancy for the cause of risk of life, however, their requests have been denied. It should be noted that, according to the information received, this situation has directly affected women who receive care in the public sector and who concentrate the lowest income in the country, which constitutes double discrimination against the status of women and people in a situation of economic disadvantage.
435. On the other hand, in February 2021, the Institute of Public Health (ISP) imposed a fine of 66 million pesos on the laboratories Silesia S.A. and Andrómaco S.A. for their responsibilities in the distribution and manufacture of pills, however, there has been no reparation of the damages to the affected women. In the same vein, the Ministry of Women and Gender Equity's lack of pronouncement is a matter of concern.⁶²⁴
436. Taking into consideration the above, the REDESCA reminds the State that the right to health; especially that of women and girls of childbearing age, is guaranteed by the legal framework of the Inter-American Human Rights System. More specifically, the Inter-American Court of Human Rights (Inter-American Court of Human Rights) has established that sexual and reproductive health is directly related to the rights to private and family life, protected by Articles 11.2 and 17.1 of the American Convention on Human Rights (ACHR), to reproductive freedom, protected by Article 7 of the ACHR, and personal integrity, specifically physical and psychological integrity, protected by Article 5.1 of the ACHR. In that regard, States have a duty to protect the sexual and reproductive health of women and adolescents of childbearing age. And that, in order to comply with the above, it is essential to allow access and provide information on the relevant health services.⁶²⁵⁶²⁶⁶²⁷⁶²⁸
437. The REDESCA recalls that it is the duty of the State to respect the reproductive autonomy of women, so the Inter-American Convention on Human Rights absolutely prohibits any arbitrary interference, both public and private, in the rights to private life, understanding that within the rights to private life includes the right to develop the personality and the possibility of exercising personal autonomy over future events relevant to the quality of people's lives, such as fertility and maternity planning. It is also pertinent to recall, in this context, that the State has the obligation to supervise and supervise private companies, especially when these entities have a strict relationship with human rights, as is the case with pharmaceutical companies and the right to

⁶²⁴ Diario Uchile, [ISP imposes a fine of 66 million pesos on laboratories for defective contraceptives](#), February 25, 2021

⁶²⁵ Inter-American Court, Case of Artavia Murillo et al. (In Vitro Fertilization) v. Costa Rica. November 28, 2012, para. 147

⁶²⁶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), article 10(h); 12.1; 12.2 and 14.2(b)

⁶²⁷ Inter-American Court, Case of Gonzales Lluy and Others v. Ecuador. Judgment of 1 September 2015, para. 171-172

⁶²⁸ IACHR, Report on Access to Reproductive Information from a Human Rights Perspective, 2011, OAS Ser.L/V/II. Doc.

health. Therefore, any breach of these obligations may entail the international responsibility of the State for any violation of rights resulting from this omission. ⁶²⁹⁶³⁰⁶³¹⁶³²

B. Climate Emergency and Human Right to Water

438. Regarding the issue of climate emergency and environment, the Office of the Special Rapporteur ESCER notes that Chile presented at COP26 its Long-Term Climate Strategy, which establishes 407 sectoral transition and transformation goals that will allow the country to be carbon neutral by 2050⁶³³. In its proposal for a long-term climate strategy, the REDESCA salutes the State for its efforts to establish, among others, the following commitments: 1) by 2025, emphasize the withdrawal of 65% of coal generation from the national matrix, add between 10,000 and 15,000 hectares of protected urban wetlands, institute an eco-labeling of mandatory recyclability or that 100% of the pre-2020 marine protected areas have management plans; 2) by 2030, they underline goals such as 80% of electricity generation coming from renewable sources, an increase in 50% of the network of glacier stations, making zero emission fleets in large mining or that 100% of the urban population has access to health services; 3) by 2040, that all coal-fired power plants be withdrawn or reconverted, that green hydrogen be 20% of the country's fuel matrix, that 100% of buses, taxis and buses are zero emission and reduce by 40% the entry of waste into seas and beaches; 4) by 2050, they want the energy matrix to be 100% zero emissions, reduce emissions from industry and mining by 70%, and that 30% to 50% of threatened species have Recovery, Conversation and Management Plans.⁶³⁴

439. In addition, the REDESCA analyzes as an important step the bill approved in the Chamber of Deputies, in June 2021, on the prohibition of the installation and operation of coal-fired power plants throughout the country until 2025. The bill currently before the Senate, if approved, would accelerate the closure of the remaining power plants that were initially planned for 2040, according to Chile's Decarbonization and Closure plan for coal-fired power plants. In addition, the Office of the Special Rapporteur congratulates the Chilean State for the enactment of the Energy Efficiency Law in January 2021, which regulates energy consumption and proposes a reduction of 5.5% by 2030 and 7% by 2035. Similarly, the REDESCA expresses its satisfaction with the approval in the Senate of Chile, after finishing its first constitutional procedure, of the Climate Change Law Project, which seeks to combat climate action in the country, and establish carbon neutrality as one of its State policies. In addition, the project, which is now undergoing its second stage in the

⁶²⁹ American Convention on Human Rights, Article 11.2

⁶³⁰ Inter-American Court, Case of Artavia Murillo et al. v. Costa Rica. Judgment of 28 November 2012, para. 142-146.

⁶³¹ IACHR/REDESCA, Business and Human Rights Report: Inter-American Standards, 2019, para. 98. OEA/Ser.L/V/II.

⁶³² Inter-American Court, Case of Employees of the Fire Factory in Santo Antonio de Jesús and their families v. Brazil. Judgment of 15 July 2020, para. 120

⁶³³ Green Codex, [Government Launches Long-Term Climate Strategy That Sets the Path to Be Carbon Neutral](#), October 29, 2021

⁶³⁴ Green Codex, [Government Launches Long-Term Climate Strategy That Sets the Path to Be Carbon Neutral](#), October 29, 2021

- Chamber of Deputies, provides for the adaptation of the country's water security, demanding the preparation of Strategic Plans for Water Resources in Cuenca for the 101 basins of Chile.⁶³⁵⁶³⁶⁶³⁷
440. In addition, the Office of the Special Rapporteur learned that the State aspires to become one of the world's leading producers and exporters of green hydrogen. These efforts include the launch of the National Green Energy Strategy to promote the production of green hydrogen by harnessing solar energy produced in the north of the country, as well as a pilot project at the Spence copper mine to replace the diesel and natural gas used in the boilers of its copper production process.⁶³⁸
441. In the same sense, the REDESCA considers of great importance the inauguration in 2021, in the Atacama Desert, of the first concentrated solar power plant in Latin America. The concentrated solar power plant (CSP) of the multinational EIG occupies an area with one of the highest levels of solar radiation in the world and will contribute to avoiding the emission of 630,000 tons of carbon dioxide (CO₂) per year.⁶³⁹
442. On the right to water, the REDESCA learned that Chile is one of the most privatized countries in the world in terms of water. It is estimated that 80% of the country's water resources belong to private owners, mostly agricultural, mining and energy companies. In addition, article 19 of the current Chilean Constitution establishes that "the rights of individuals over the waters, recognized or constituted in accordance with the law, shall grant their owners ownership over it." Thus, in the discussions around the New Constitution, there is a great debate about the revision of the model of water ownership and the consecration of water as a national good for public use.⁶⁴⁰⁶⁴¹
443. The Office of the Rapporteur also notes that Chile is going through a complex scenario of water and food insecurity. At the end of 2020, there were 16 water scarcity decrees in force in 79 communes of the country, especially affecting a rural population of 573,612 people. In 2021, the country⁶⁴² is experiencing a drought that affects 76% of the Chilean population and, according to studies, water reserves will be halved in the center and north of the country by 2060. Therefore, the REDESCA emphasizes that it is important that changes are implemented in the constitutional norm and that there is the de-privatization of water, that is, that it is expressly considered that water and other environmental goods are common and public goods, which must be prioritized in their protection due to their ecosystem function.⁶⁴³

⁶³⁵ Herbert Smith Freehills, [COP26 – TRENDS IN LATIN AMERICA](#). Chile, September 15, 2021

⁶³⁶ Herbert Smith Freehills, [COP26 – TRENDS IN LATIN AMERICA](#). Chile, September 15, 2021

⁶³⁷ Green Codex, [Senate approves Framework Law on Climate Change and goes to the Chamber of Deputies](#), October 13, 2021

⁶³⁸ Herbert Smith Freehills, [COP26 – TRENDS IN LATIN AMERICA](#). Chile, September 15, 2021

⁶³⁹ CNN How is the colossal first solar thermal power plant in Latin America that Chile inaugurated in the Atacama Desert, June 15, 2021

⁶⁴⁰ Chile. [Political Constitution of the Republic of Chile](#), art. 19, n. 24, paragraph 11.

⁶⁴¹ Guideline [Advance of the Convention: could existing water rights be lost?](#), July 1, 2021

⁶⁴² The Bewilderment, [Water and food insecurity that crosses the country](#), 27 January 2021

⁶⁴³ The Star of Panama, [The deprivatization of water, the great promise of the constituents in Chile](#), May 13, 2021

444. On the other hand, the REDESCA expresses its concern about the threats to environmental defenders registered in 2021 in Chile. According to the information received, on 23 June, Diego Ovalle Valenzuela, of the Antuko Resiste Socio-Environmental Movement, was threatened. In the same year, Verónica Vilchez, leader of Modatima, made public the death threats received, as well as the case of Michael Lieberherr, a journalism student located in the commune of Choapa, after receiving death threats by phone in which they told him that "he was under surveillance and that he should leave the town where he lived." It is also known that on March 21, Uriel González, a water activist, was assaulted, threatened and intimidated.⁶⁴⁴

445. Faced with this situation, the REDESCA was aware of a public statement in which 130 socio-environmental organizations from all over the country, 28 constituents and 5 environmental leaders expressed their concern and asked the government to sign the Escazú Agreement as a measure to protect environmental defenders. Against this background, the REDESCA urges the State of Chile to sign the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and adopt the pertinent measures before these acts.⁶⁴⁵

C. Business and human rights

446. The REDESCA expresses its concern at the information presented to the IACHR by the Mapuche Community Huilliche Papiukelen Region of the Lakes, the Kawésqar Communities for the Defense of the Sea Magallanes Region and the Chilean Antarctic, the Yagan Bahia Mejillones Indigenous Community Magallanes Region and the Chilean Antarctic, and Greenpeace Chile on the situation of the salmon industry, which has increased its production and territorial extension considerably during the last decades in Chile. Which, according to the information sent, has not only seriously affected the environment but also the public faith, in addition to producing unwanted cultural transformations in indigenous peoples, as well as in local communities⁶⁴⁶.

447. Likewise, the complainants affirm that the costs of the industry in environmental, labor, and social matters have been very high, even in recent years there have been more frequent environmental disasters caused by salmon farming, such as spills, subsidence, salmon escapes, mass mortalities, proliferation of dead zones (anoxia). Additionally, intensive salmon farming would be a threat to the oceans of southern Chile, and to the marine life of the region. ⁶⁴⁷Parallel to the above, according to a scientific work published in the journal "Scientific Reports", the REDESCA obtained information that the blue whale would be in danger of extinction due to the traffic of vessels from aquaculture activity -mainly from salmon activity- that sail daily through the waters of southern Chile, increasing the risk of collision threatening their conversation.⁶⁴⁸

⁶⁴⁴ SCAC, [130 environmental organizations denounce new act of intimidation of environmental defender](#), June 25, 2021

⁶⁴⁵ SCAC, [130 environmental organizations denounce new act of intimidation of environmental defender](#), June 25, 2021

⁶⁴⁶ Greenpeace Chile et al., Situation of indigenous peoples and the right to the environment in salmon farming contexts in Chile. Request for a public hearing for the 182nd session of the IACHR, sent on October 8, 2021

⁶⁴⁷ Greenpeace Chile et al., Situation of indigenous peoples and the right to the environment in salmon farming contexts in Chile. Request for a public hearing for the 182nd session of the IACHR, sent on October 8, 2021

⁶⁴⁸ The Counter, [Population of blue whales, in danger of extinction, are at serious risk in the south of Chile due to intense traffic of fishing vessels](#), 1 February 2021

448. According to complaints from indigenous communities and civil society, salmon farming poses a risk to traditional fishing and harvesting activities carried out by ancestral indigenous communities and pueblos. In addition, a study by the National Institute of Human Rights of Chile and the National Institute of Human Rights (INDH) and the Danish Institute of Human Rights (DIHR) affirm that a common element to the socio-environmental impacts described and the rights abuses related to them is that, in practice, impacted individuals and communities have difficulties in having their voices heard, which violates the right to participation, and would be related to the fact that the projects would be approved mainly through Environmental Impact Statements (EIS), and not Environmental Impact Assessments (EIAs).⁶⁴⁹⁶⁵⁰
449. In a similar vein, the REDESCA is concerned about the situation gathered about the process of extraction and commercialization of algae, which would allow hundreds of tons of these algae to be traded illegally, endangering these important ecosystems. Among the problems, the lack of licenses to extract these marine plants and the establishment of a permissible limit for extraction are exhibited.⁶⁵¹
450. In addition, the REDESCA notes with concern the situation of serious drought that crosses the northern part of the country, causing problems for small farmers in the region. A group of them denounced that, in the Fundo Cerrito area, the agricultural company El Cerrito, an exporter of grapes, had illegally installed an irregular water extraction pump. In addition, the information shows that, in recent years, the same company faced sanitary summaries related to the use of pesticides in its plantations.⁶⁵²
451. With regard to the situation of business and human rights, the REDESCA reaffirmed the close relationship between human rights, sustainable development and the environment, whose interaction covers innumerable facets and scopes. Likewise, not only States, when exercising their regulatory, supervisory and judicial functions, but also companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations.⁶⁵³ In this sense, the REDESCA has been clear in establishing that State liability can be generated for the lack of regulation or inappropriate regulation of extractive, exploitation or development activities that take place under the jurisdiction of a State.⁶⁵⁴
452. Therefore, the REDESCA stresses the need for measures to be taken in a timely manner, taking into account that, as established in its business and human rights report, the right to development must

⁶⁴⁹ Greenpeace Chile et al., Situation of indigenous peoples and the right to the environment in salmon farming contexts in Chile. Request for a public hearing for the 182nd session of the IACHR, sent on October 8, 2021

⁶⁵⁰ INDH/DIHR, The salmon industry and human rights in Chile: Executive Summary, October 2021. Posted to Redesca on December 17, 2021

⁶⁵¹ Mongabay, [Chile: The chain of infringements behind illegal algae fishing](#), 24 February 2021

⁶⁵² Ciper, [Water and pesticide use: the problems of Andronikos Luksic in the Elqui Valley](#), 19 February 2021

⁶⁵³ REDESCA, [Business and Human Rights: Inter-American Standards](#), OAS/ Ser. L/V/II, Para. 45, 1 November 2019

⁶⁵⁴ REDESCA, [Business and Human Rights: Inter-American Standards](#), OAS/ Ser. L/V/II, Para. 45, 1 November 2019

be sustainable, and in that sense, it is necessary to put at the center the well-being and rights of individuals and communities, more than that of economic statistics. In this way, the REDESCA makes itself especially available to the State to socialize and identify actions aimed at complying with the recommendations of the report on business and human rights: inter-American standards.⁶⁵⁵

453. Finally, the REDESCA has learned that the President of Chile, on October 12, 2021, has decreed a state of emergency and militarization in four provinces of the southern regions of Biobío and Araucanía that has become the scene of attacks, fires and violent clashes with the Mapuche indigenous people. According to the government, the goal is to end violence related to drug trafficking, terrorism and organized crime committed by armed groups. For their part, the Mapuche leaders, the largest ethnic group in Chile with more than 1.7 million inhabitants, demand the restitution of ancestral lands, which, according to them, are in the hands of forestry companies and landowners, which would be occupying ancestral lands.⁶⁵⁶

454. Regarding this situation, the REDESCA emphasizes the need to take into account the standards related to the protection of the right to defend human rights in the field of business and human rights, in particular to identify possible patterns of attacks, aggressions and obstacles faced by defenders, community leaders, indigenous peoples, Afro-descendant communities, peasant population and justice operators by companies and economic agents, as to prevent and punish them.⁶⁵⁷ For this reason, REDESCA urges the Chilean State to seek dialogue and the peaceful resolution of conflicts related to the lands of indigenous peoples, as well as to monitor the irregular activities of companies in the region, taking into account the prior, free and informed consultation of the peoples living in the region.

D. Labor and Trade Union Rights

455. Faced with the guarantee of labor rights, the REDESCA observes with concern the growing level of unemployment in the Chilean territory, since, during the pandemic, Chile lost about two million jobs, according to government information. In May 2021, the unemployment rate reached 10%.⁶⁵⁸⁶⁵⁹ In addition, in August 2021, 2021, the National Institute of Statistics (INE) reported that the average income of the employed population in the country was US \$ 635,134 net monthly, while the median income - the one received by a person representative of half of the population - reached \$ 420,000 per month, that is, 50 per cent of those working in the country received incomes less than or equal to that last amount.⁶⁶⁰

456. In addition, the REDESCA is concerned about the consequences of the economic crisis caused by the COVID-19 pandemic on women's employment. According to the National Institute of Statistics (INE), before the start of the health crisis, between November 2019 and January 2020, female labor

⁶⁵⁵ REDESCA, [Business and Human Rights: Inter-American Standards](#), OAS/ Ser. L/V/II, Para. 45, 1 November 2019

⁶⁵⁶ France24, [Chile's President Orders Militarization of Mapuche Conflict Region](#), 12 October 2021

⁶⁵⁷ REDESCA, [Business and Human Rights: Inter-American Standards](#), OAS/ Ser. L/V/II, Para. 45, 1 November 2019

⁶⁵⁸ The nation, [Piñera announced budget law 2022: "It will be for an inclusive and sustainable development of our country"](#), 23 September 2021

⁶⁵⁹ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

⁶⁶⁰ The nation, INE Survey: Half of the country's workers earn less than \$420,000 a month, August 24, 2021

participation had reached a maximum of 53.3%, while in the case of men this figure was 73.9%. At present, and according to the data provided by the INE in its corresponding bulletin of 2021, the female participation rate is 45.3%, and 67.7% the male, and the care of the family remains one of the reasons for not participating in the labor market. Similarly, the data also identified a -20.4% gap in women's median income. During 2020, the median and median income for men was \$692,289 and \$450,592, while for women these were \$551,327 and \$400,000, respectively.⁶⁶¹⁶⁶²⁶⁶³

457. In this regard, the REDESCA appeals that States must promote actions to stop the wage gap and implement gender-sensitive employment expansion strategies, in order to guarantee the enjoyment and exercise of human rights without discrimination.⁶⁶⁴

458. On the other hand, the REDESCA recognizes the efforts of the State of Chile for the economic and employment reactivation. According to ECLAC, the Employment Protection Law, which allows workers to maintain their employment relationship with the company during the suspension of economic activities, prevented the unemployment rate from being higher; it is estimated that without this Law the rate would have been higher than 20 per cent. In addition, according to the government, the 2022 budget will contemplate an 8.1% increase in public investment and will finance pro-employment programs, such as the Guaranteed Minimum Income, the employment subsidies Return, Hire, Protégé, Emergency Family Income (IFE) labor and subsidies for entrepreneurship of individuals and SMEs.⁶⁶⁵⁶⁶⁶

459. In a similar vein, the REDESCA takes note of the relevant initiative of the Chilean government on the launch of a government platform that aims to integrate actions for the ventures and projects of women of indigenous peoples, which total, in Chile, 1,107,681 women who recognize themselves as belonging to an Indigenous People, which represents 12.7% of the women residing in the country.⁶⁶⁷

E. Fiscal and Economic Policies

460. The Office of the Special Rapporteur notes that, according to data from the Economic Commission for Latin America and the Caribbean (ECLAC), in 2020, Chile's GDP decreased by 5.8%, which represented the largest drop since 1982. For that reason, Chile's fiscal policy in 2021 has focused on combating the economic effects of the pandemic. In this context, in 2020 and 2021, the Government established an Emergency Economic Plan and an economic recovery plan to respond to the needs of companies and families and return to the path of economic growth, generating an increase of 10.4% of the total fiscal expenditure of the Central Administration. Despite this, the

⁶⁶¹ INE [Gender and employment: impact of the economic crisis due to COVID-19](#), March 8, 2021

⁶⁶² INE [Gender and employment: impact of the economic crisis due to COVID-19](#), March 8, 2021

⁶⁶³ The nation, INE Survey: Half of the country's workers earn less than \$420,000 a month, August 24, 2021

⁶⁶⁴ IACHR, Compendium on Labor and Trade Union Rights, Para. 45.

⁶⁶⁵ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

⁶⁶⁶ The nation, [Piñera announced budget law 2022: "It will be for an inclusive and sustainable development of our country"](#), 23 September 2021

⁶⁶⁷ The nation, [Government launched agenda with exclusive initiatives for indigenous women](#), August 9, 2021

- REDESCA points out that ECLAC estimates a growth of 9.2% of GDP in 2021, due to an increase in consumption and gross fixed capital formation, a higher price of copper, the lifting of health restrictions and advances in the vaccination process.⁶⁶⁸⁶⁶⁹⁶⁷⁰
461. Given the lack of growth in the country and the loss of nearly two million jobs, the REDESCA expresses concern with the situation of poverty and housing in the country, which would require the State to develop specific fiscal and economic policies to address these issues. According to a survey released to REDESCA in July 2021, the official income poverty rate in Chile increased from 8.6% in 2017 to 10.8% in 2020, which translates into 2,112,185 people in this condition. Without state aid, the percentage would have reached 13.7%. Extreme poverty (whose monthly income is below two-thirds of the poverty line) increased by 4.3% in the country, which means that 831,232 people are in this condition. However, Chile is the country in the region with the lowest poverty rate and the one that has increased the least during the pandemic, according to ECLAC data.⁶⁷¹
462. With regard to the right to housing and public policies regarding this sector, the Office of the Special Rapporteur highlights the information that there were 167 new camps in the last year, with a total of 81,643 families living in 969 self-built settlements. The data also reveal that 31 per cent of people who moved to a camp could no longer pay their rent. Although the Chilean State offers some 20,000 housing solutions, it is still insufficient to respond to the 600,000 families seeking housing. Therefore, it calls on the State to invest in public policies and budgets that guarantee the right to housing of all people, especially those who are in the most vulnerable situation.⁶⁷²
463. In view of the impact of the pandemic on ESCER, the Office of the Special Rapporteur on ESCER welcomes the fact that, in March 2021, the Government strengthened the social safety net by increasing benefits, amounts, coverage, and access. Improvements to the Emergency Economic Plan included the Emergency Family Income (IFE), the Middle Class Bonus, a support bonus for microentrepreneurs of transportation services, a bonus for those who cannot access pension funds and increased spending on the health system, measures aimed at protecting employment and labor income through the Employment Protection Act and the increase of business liquidity through loans guaranteed by the Guarantee Fund for Small and Medium Entrepreneurs (FOGAPE-COVID-19) with state guarantee and fiscal facilities. ECLAC estimates that direct transfers granted in 2020 and 2021 will amount to \$30 billion.⁶⁷³
464. The REDESCA notes that, due to the pandemic, on July 23, 2020, Congress passed legislation that allowed the first withdrawal of pension funds, with a second withdrawal approved on December 3 and a third withdrawal approved at the end of April 2021. Currently, the government and the legislature are discussing the rules for a fourth retirement. However, the REDESCA is concerned about the information that, after the three withdrawals made, about 2.1 million people (20% of

⁶⁶⁸ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

⁶⁶⁹ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

⁶⁷⁰ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

⁶⁷¹ The third, [Coronavirus causes first rise in poverty in 20 years and inequality rises once again](#), July 5, 2021

⁶⁷² Yahoo News, [Popular camps: the abrupt resurgence of poverty in Chile](#), May 13, 2021

⁶⁷³ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

- them) do not have a balance in their individual savings accounts, with a greater impact on women, who would represent 62% of this total.⁶⁷⁴ In this regard, the Office of the Rapporteur urges the Chilean State to take advantage of the constitutional discussions to approve changes in the pension system that allow the elderly to enjoy a dignified retirement, as well as to ensure that current workers and those dependent on the system, especially women and people who are in a situation of poverty, do not have difficulty enjoying the benefit in the future.⁶⁷⁵
465. On March 22, 2021, the Office of the Special Rapporteur highlights those existing measures for the middle class and the most vulnerable people were expanded by 2% of GDP, in order to alleviate the consequences of the tightening of restrictions on mobility to curb the rapid increase in infections. On May 27, 2021, the bonus for the middle class was extended until August and it became possible for a greater number of vulnerable households to benefit from it, at a cost of 3.3% of GDP. A one-time bonus was also introduced for small businesses, at a cost of 0.7% of GDP.⁶⁷⁶
466. In addition, through a subsidy policy, the Government announced an aid plan for the tourism and culture sectors, which have been severely affected by the pandemic. The plan includes, for the area of tourism, \$50 billion Chilean pesos to finance initiatives presented by SMEs and, in the area of culture, \$5 billion Chilean pesos.⁶⁷⁷ Regarding the minimum wage, at the end of June 2021, Congress approved the law that establishes the increase of the minimum wage to 7337,000 pesos (450 dollars) and a readjustment in January 2022, according to the evolution registered between May and November 2021.⁶⁷⁸
467. On the other hand, in the midst of the health, economic, social and employment crises, which generated a structural deficit of 11.5% and an increase in public debt to almost 35% of GDP in 2021, the president of Chile announced, on September 23, 2021, the details of the 2022 Budget Law. According to its pronouncement, the budget will emphasize inclusive and sustainable development and will focus on ten points: health, economic reactivation, security, children, the elderly, gender equality, education and science, regions, drought and climate crisis. In addition, he reported that the amount will reach 82,135 million dollars, which would mean a growth of 3.7% compared to the budget approved in Congress for the year 2021. In this regard, the Office of the Special Rapporteur congratulates the State for taking into account social rights and people in vulnerable situations in the budget law, recommending that resources in these sectors be applied taking into account the duty of information, transparency, accountability, and oversight.^{679,680}
468. Finally, the REDESCA notes with concern the constitutional accusation against President Sebastián Piñera approved by the Chamber of Deputies on November 9, 2021, after relieving a purchase

⁶⁷⁴ IMF [Policy responses to Covid-19: Chile](#), retrieved 29 September 2021

⁶⁷⁵ Lex Latin, [Pensions in Chile: between the fourth retirement and Piñera's initiative](#), 21 September 2021

⁶⁷⁶ IMF [Policy responses to Covid-19: Chile](#), retrieved 29 September 2021

⁶⁷⁷ CNN Chile, [Chile launches US\\$76 million in aid for tourism and culture sector](#), 15 February 2021

⁶⁷⁸ ECLAC, [Economic Survey of Latin America and the Caribbean. 2021. Chile](#), August 2021

⁶⁷⁹ The nation, [Piñera announced budget law 2022: "It will be for an inclusive and sustainable development of our country"](#), 23 September 2021

⁶⁸⁰ The nation, [Piñera announced budget law 2022: "It will be for an inclusive and sustainable development of our country"](#), 23 September 2021

agreement by Minera Dominga in the British Virgin Islands, involving the president and relatives. The facts were exposed, in October 2021, in the so-called "pandora papers", an investigation into tax havens that would show that the Chilean government did not declare a natural reserve in the area where the Minera Dominga would be established.⁶⁸¹⁶⁸²

F. Education, science, technology: academic freedom and university autonomy

469. With regard to scientific and technological development, the REDESCA is following the proposals for constitutional change, observing with enthusiasm the avant-garde approval by the Senate Chamber of the report evacuated by the mixed commission on the draft Constitutional Reform that modifies Article 19, number 1, of the Fundamental Charter to protect the so-called neurorights, that is, the integrity and mental indemnity of the advances and capabilities developed by neurotechnologies.⁶⁸³

470. On the other hand, the REDESCA regrets that the Chamber of Deputies has rejected, due to lack of quorum, the project that included memory and human rights contents in the school curriculum, specifically in the Citizen Education Plan. The Office of the Special Rapporteur emphasizes that human rights education, especially focused on history, the preservation of truth, and memory, are essential for the development of children and adolescents, and for the maintenance of democratic norms in the country.⁶⁸⁴

471. Regarding the right to education in the context of the COVID-19 pandemic, the REDESCA learned that, from official sources, the school year will begin in March and face-to-face classes will be elective, that is, it will be up to parents and guardians to send their pupils to school. However, the Colegio de Profesores, Chile's teachers' union association, said they would not be in a position to return.⁶⁸⁵ For this reason, the Office of the Special Rapporteur of ESCER urges the State to pay special attention to the education and teaching sector in view of the fact that it requires restructuring and planning to ensure the safe and effective return, constantly in dialogue with the entire teaching and teaching group.

472. Finally, the REDESCA is concerned about the information on the school dropout of children and young people in the country. In 2020, around 186,000 children and young people between the ages of 5 and 21 dropped out of school in Chile and in 2021, another 39,498 children were not enrolled in school. In this sense, REDESCA notes with importance the initiatives of the Ministry of Education to mitigate school dropout, such as: the Early Warning System (SAT), which is an instrument that identifies students from 7th to 4th grade with the highest risk of dropping out of

⁶⁸¹ CNN en Español, [Chile's Chamber of Deputies Approves Constitutional Indictment against President Sebastián Piñera](#), November 9, 2021

⁶⁸² CNN en Español, [Chile's Chamber of Deputies Approves Constitutional Indictment against President Sebastián Piñera](#), November 9, 2021

⁶⁸³ The third, [Historic rule: Chile will be the first country to have a neurorights law](#), 22 September 2021

⁶⁸⁴ Diario Universidad de Chile, [Teaching memory and human rights](#), 23 January 2021

⁶⁸⁵ The Universe, [Government of Chile indicated that the school year will begin in March and face-to-face classes will be elective](#), 16 February 2021

school, and the Contact Management Tool, which allows collecting and visualizing information on the situation of each student in a simple way, in the context of distance or hybrid education.⁶⁸⁶⁶⁸⁷

G. Human Mobility and ESCER

473. Regarding human mobility, the REDESCA notes that Chile, despite its harsh migration policies, remains an important destination for migrants, especially for Venezuelans, Peruvians, Bolivians, Haitians and Colombians. The Department of Aliens indicates that there are 1.4 million immigrants in the country, 7% of the population. In recent years, this nation has experienced an explosive increase in migration, especially from Venezuela. It is estimated that more than 457,000 Venezuelans currently live in Chile. In the same sense, data from the National Institute of Statistics (INE) confirm that Venezuelans are now the largest group in Chile (30.5%), followed by Peruvians (15.8%) and Haitians (12.5%).⁶⁸⁸⁶⁸⁹⁶⁹⁰

474. In this context, the Office of the Special Rapporteur learned that, on April 11, 2021, the new Migration and Aliens Law, Law No. 21,325/2021, was enacted, which replaces the Aliens Law of 1975 and establishes the duties and obligations of migrants arriving in Chile. With regard to the guarantee of social rights to migrants, the REDESCA welcomes the fact that the new law enshrines the right and access to health under the same conditions as nationals; the same labor rights as Chileans; access to pre-school, basic and secondary education under the same conditions as national education; and in relation to higher education, foreigners can access higher education institutions under the same conditions as nationals; access to social security under the same conditions as nationals, except in the case of social security benefits financed entirely from fiscal resources involving direct cash transfers, for which a minimum stay of 24 months is required; the same housing rights for foreigners with permanent residence, among others.⁶⁹¹⁶⁹²

475. Despite legislative changes in April 2021, the Office of the Special Rapporteur expresses its concern with the Chilean government's announcement that it planned to deport 1,500 people of different nationalities on 15 chartered flights during 2021. According to official figures obtained by the Jesuit Migrant Service (SJM), the government had deported 294 people as of April 2021, most cases were without judicial oversight, as well as most of the people were Venezuelan nationals.⁶⁹³ On June 6, 2021, the government deported 53 Venezuelans, of whom 34 were deported over the weekend, when the appellate courts were closed. Another 125 people of various nationalities were also deported in June. In addition, the REDESCA learned that, according to Human Rights Watch, there are three main problems related to deportation proceedings in Chile:

⁶⁸⁶ Mineduc, [Mineduc provides details of school dropout figures 2021](#), April 5, 2021

⁶⁸⁷ Mineduc, [Mineduc provides details of school dropout figures 2021](#), April 5, 2021

⁶⁸⁸ The viewer, [Why the mass expulsion of immigrants from Chile?](#) August 6, 2021

⁶⁸⁹ The viewer, [Why the mass expulsion of immigrants from Chile?](#) August 6, 2021

⁶⁹⁰ The viewer, [Why the mass expulsion of immigrants from Chile?](#) August 6, 2021

⁶⁹¹ Library of the National Congress of Chile, [Migration and Aliens Act](#), April 11, 2021

⁶⁹² Library of the National Congress of Chile, [Migration and Aliens Act](#), April 11, 2021

⁶⁹³ Human Rights Watch, [Chile: Sentences protect the rights of deported Venezuelans](#), 28 July 2021

lack of due process; collective deportations and lack of individual determination; and family separation.⁶⁹⁴

476. In this line, at the beginning of June 2021, the UN expressed its concern about the processes of expulsion of foreigners in Chile, especially Venezuelans, mentioning that "in the context of the COVID 19 pandemic, a group of United Nations Experts and the UN Committee on Migrant Workers have already called on States to consider the temporary suspension of deportations or forced returns of migrants."⁶⁹⁵

477. Similarly, the REDESCA urges the State to interrupt deportations in the context of the pandemic, and to take actions that consider populations in a situation of vulnerability, especially people who are in a situation of human mobility, respecting and guaranteeing without discrimination the ESCER and other human rights of these people.

⁶⁹⁴ Human Rights Watch, [Chile: Sentences protect the rights of deported Venezuelans](#), 28 July 2021

⁶⁹⁵ UN [UN agencies in Chile express concern over expulsion process](#), June 6, 2021

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478. The REDESCA has carried out a constant follow-up of the situation of ESCER in the country and observes how the challenges to their guarantee – especially for groups in situations of vulnerability and/or historical exclusion – are intrinsically related to the recent social crisis that motivated the IACHR's visit to the territory. Against this background, the situation of the right to health and its social determinants, the impact of the COVID-19 pandemic and some main measures of the State in this regard are addressed below. In the same way, the REDESCA takes note of the advances and challenges in the face of guaranteeing the right to a healthy environment and the right to water, business activities, labor and trade union rights, as well as the right to education and academic freedom. For its part, the importance of adopting economic and fiscal policies focused on human rights and that allow public participation in their design and implementation is highlighted. Finally, the REDESCA takes note of the main challenges and advances for the guarantee of ESCER for people in a situation of human mobility in the country.

A. Right to health and its social determinants

479. In relation to economic, social, cultural, and environmental rights (ESCER), the REDESCA notes with concern the challenges to their effective guarantee in the country, and how this situation is intrinsically related to the recent social crisis that motivated the IACHR's visit to the territory in June 2021. In this way, as indicated in the observations and recommendations of the working visit, it is evident that the demonstrations that began on April 28, 2021 are linked to structural and historical demands, which, among others, include the deep inequality in the distribution of wealth, poverty and extreme poverty, together with access to education, work and health. In this regard, despite the fact that various measures have been implemented to address these issues, these demands have not yet been effectively addressed.⁶⁹⁶

480. In this context, for the REDESCA, the impact that the pandemic has had on the enjoyment and enjoyment of ESCER is of special attention. In this regard, it is noted that, over the course of the year, the country has been included as one of the most affected countries globally and regionally due to the high number of infections and deaths due to COVID-19. Thus, although at the end of October it is observed that the country has advanced with the immunization process – reaching a full scheme coverage rate of approximately 36% and first doses of 47% – and that infections and

⁶⁹⁶ IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021

deaths have decreased compared to the figures reported in previous months, the authorities have warned that the country would be close to experiencing a fourth peak of the pandemic.⁶⁹⁷⁶⁹⁸⁶⁹⁹⁷⁰⁰

481. At the beginning of December, the COVID-19 pandemic would have caused 5,074,079 cases and 128,643 deaths. This scenario, which would have begun with the first case detected on March 6, 2020, has included three peaks so far, in which the limitations of the health system have been exposed, since the shortage of oxygen and the saturation of health services were reported – which prevented the timely attention of several people affected by COVID-19 and people with other pathologies. This, coupled with a strong pressure on health personnel on the front line.⁷⁰¹⁷⁰²⁷⁰³

482. Without prejudice to the above, the REDESCA highlights the measures implemented by the State to respond in a timely manner to this situation. Initially, through the declaration of a health emergency and the State of Economic, Social and Ecological Emergency in March 2020, and later, through certain restrictions on mobility and non-essential services, which have been evaluated and made more flexible according to the health situation in the country and / or in the different jurisdictions. Within the framework of these actions, it is noted that access to public information on the emergency generated by COVID-19 has been provided, the capacity to carry out tests throughout the national territory has been increased, the Intensive Care Units (ICU) have been doubled and a National Vaccination Plan against COVID-19 has been adopted. In the same vein, social distancing and biosecurity protocols have been consistently promoted, in accordance with WHO recommendations.⁷⁰⁴⁷⁰⁵⁷⁰⁶⁷⁰⁷

483. Likewise, note is taken of the economic measures adopted for the attention of the emergency caused by COVID-19 within the framework of the Emergency Mitigation Fund (FOME), created by Decree 444 of 2020. Which was designed with the aim of addressing: the resource needs for health

⁶⁹⁷ DW [Coronavirus today Latin America exceeds 550,000 dead, January 18, 2021](#); Week [Coronavirus: Colombia among the countries with the most deaths from covid-19 in Latin America](#), 1 February 2021; Week [Colombia is the third country in Latin America most affected by the coronavirus](#), May 27, 2021; DW [Colombia breaks record for daily deaths from COVID: "In the worst of all worlds"](#), June 16, 2021; BBC News, [Covid-19 in Latin America: the map showing the scale of the tragedy caused by the pandemic in the region, June 24, 2021](#); Portfolio [Colombia, among the 15 countries most affected by the pandemic](#), July 28, 2021; Statista, [Number of confirmed cases of coronavirus \(COVID-19\) in Latin America and the Caribbean as of October 19, 2021](#), by country; October 19, 2021; Reuters [Covid-19 Tracker: Colombia](#), 23 October 2021

⁶⁹⁸ Ministry of Health of Colombia, [COVID-19 vaccination coverage](#), 27 October 2021

⁶⁹⁹ Reuters [Covid-19 Tracker: Colombia](#), 23 October 2021

⁷⁰⁰ Week [Duque warned that Colombia could have not only a fourth peak of the pandemic, but up to a fifth peak](#), October 8, 2021; Weather, [The pandemic in Colombia would go until June 2022, according to the INS](#), 23 October 2021

⁷⁰¹ Worldometers, [Colombia](#), December 3, 2021

⁷⁰² The Spectator, [Intensive Care Units of Bogotá at 91.5%: when is there talk of a collapse of the system?](#), January 14, 2021; Infobae, [By saturation of ICU beds, health entities in Medellín declare a state of hospital emergency](#), 7 April 2021; The Spectator, [Third peak: ICUs full, record in deaths and now oxygen is scarce](#), April 26, 2021; RCN Radio, [Between 50 and 60 tons of oxygen per day are needed in Colombia](#), April 26, 2021; Weather, [Testimonies of a country on the verge of hospital collapse](#), 14 May 2021; DW [Colombia breaks record for daily deaths from COVID: "In the worst of all worlds"](#), June 16, 2021

⁷⁰³ Ibid.

⁷⁰⁴ International Monetary Fund, [Policy Tracker Colombia](#), 26 October 2021

⁷⁰⁵ National Government of Colombia, [Actions taken by the Government health](#), October 2, 2020

⁷⁰⁶ National Government of Colombia, [Actions taken by the Government health](#), 29 January 2021

⁷⁰⁷ Ibid

care in the face of the health emergency, the negative impacts on productive activity, the importance of economic growth and the supply of employment, as well as the care of people in vulnerable situations.⁷⁰⁸⁷⁰⁹

484. Thus, the REDESCA highlights additional resources for the health sector, which include payment for COVID-19 tests and vaccines, faster direct contracting of services associated with emergency response, payments to health providers for the availability of Intensive Care Units (ICUs) and the creation of a National Contact Center. Likewise, it takes note of the single bonus for health workers, new credit lines that provide liquidity support to various sectors, such as: the education sector, the public transport sector, the technology sector, health and public sector providers, the tourism sector, among others, as well as new credit lines for payroll and payment obligations for small and medium-sized enterprises, large corporations and for companies in the sectors most affected by the pandemic, through the National Guarantee Fund. In this regard, it is specified that more than 90% of the guaranteed loans would be for small and medium-sized enterprises, 4% for large companies and 3.4% for independent workers.⁷¹⁰⁷¹¹

485. Similarly, the REDESCA notes that there was a postponement for tax collection, an exemption from tariffs and VAT for strategic imports of health and selected food industries and services, and special programs designed for people in poverty and extreme poverty or with middle incomes, through the delay in payments of public services, the VAT refund, along with expanded transfers for vulnerable groups and additional benefits for workers who would have recently lost their jobs. In addition, the government would have announced a payroll subsidy equivalent to 50 percent of the minimum wage per worker for companies with a drop of more than 20 percent in income for a period of three months.⁷¹²

486. These measures would be in line with what was recommended by the IACHR in its Resolution 1/2020, since it would have sought to face the COVID-19 pandemic and its consequences with a human rights approach, in which special attention is observed to plans for social and economic recovery, along with a priority response to guarantee the right to health and some social determinants, with special consideration for certain groups in vulnerable situations, such as people in situations of poverty and extreme poverty.⁷¹³ In the same sense, it is highlighted that it has sought to ensure access to public information, although in this regard it is noted with concern the secrecy that would have occurred with respect to the contracts signed with pharmaceutical companies for the acquisition of vaccines.⁷¹⁴

487. Despite these measures, the REDESCA notes with concern the disproportionate impact that the pandemic has had on people in situations of poverty and extreme poverty. In this regard, it is

⁷⁰⁸ Ministry of Finance and Public Credit of Colombia, Emergency Mitigation Fund - FOME, March 24, 2021

⁷⁰⁹ Ibid

⁷¹⁰ International Monetary Fund, Policy Tracker Colombia, 26 October 2021

⁷¹¹ Portfolio The FNG guaranteed \$21.3 trillion in the first year of the pandemic, 8 April 2021

⁷¹² International Monetary Fund, Policy Tracker Colombia, 26 October 2021

⁷¹³ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020.

⁷¹⁴ DeJusticia, The questions that remain outstanding about vaccine contracts, June 1, 2021

specified that, although the country would have high coverage rates in terms of health, there would be significant differences in terms of the quality of health services for people in rural areas or with little capacity to pay. In this way, it is noted that the poorest children would have stunting rates three times higher than the richest children. In relation to the mortality rate of COVID-19, approximately 87% of the people who died from the virus belonged to strata 1, 2 and 3, concentrating strata 1 and 2 approximately 62% of the national total. This situation has been a constant that was reported in the 2020 annual report of the REDESCA, in which it was reported that 2 out of 3 deceased people would have a low socioeconomic status.⁷¹⁵⁷¹⁶⁷¹⁷

488. The Office of the Special Rapporteur observes that this situation would also have been evidenced in a study conducted by FLACSO on the exercise of the right to health in the context of the COVID-19 pandemic in the country, in which it was indicated that the pandemic would have shown an intensification of the historically established barriers to access to rights. so the guarantee of the right to health would have remained a privilege that could be accessed by people with greater economic capacity and who have normally inhabited urban spaces. On the other hand, people in poverty and in peripheral areas - both urban and rural - would have experienced serious difficulties in receiving care in the face of the pathologies associated with COVID-19.⁷¹⁸

489. Taking this into account, it is noted again that the rate of deaths and infections in the country is intrinsically related to the levels of inequality and informality, since most of these people do not have the possibility to stay at home and keep all the established biosecurity protocols, while they have to leave to ensure an economic livelihood that allows them to meet their needs, taking into account that even people who receive financial aid from the State would not have enough. In line with the above, concern is expressed about the death of persons belonging to indigenous peoples and Afro-descendant communities, which, respectively, represent 1.9% and 4.3% of deaths nationwide. Regarding the number of deaths in indigenous peoples, it is observed that, as of September 2021, more than 2000 people would have died in the country, being one of the countries with the highest case fatality rates of indigenous peoples in the Americas.⁷¹⁹⁷²⁰

490. For this reason, it reiterates the need that when issuing emergency and containment measures in the face of the COVID-19 pandemic, intersectional perspectives are applied and special attention is paid to the needs and differentiated impact of these measures on the human rights of groups historically excluded or at special risk, including, among others: indigenous peoples, people of African descent, people living in poverty and extreme poverty, and working people, especially

⁷¹⁵ World Bank [Towards the construction of an equitable society in Colombia, highlight 2](#), October 2021

⁷¹⁶ DANE, Deaths from Covid-19, [Official Figures March 2, 2020 to July 11, 2021](#), July 26, 2021, p. 69; Forbes [In Colombia, 87.3% of deaths from covid are from strata 1, 2 and 3](#), April 27, 2021; Week [Coronavirus in Colombia: Almost all pandemic deaths occur in strata 1, 2 and 3](#), July 31, 2021.

⁷¹⁷ REDESCA, [IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, CULTURAL AND ENVIRONMENTAL \(REDESCR\) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS \(IACHR\)](#), 2020, OAS/SER. L/V/II, 30 March 2021, para. 321.

⁷¹⁸ FLACSO, The COVID-19 pandemic: the right to health in tension. An exploratory qualitative study in Chile, Colombia, Costa Rica and Mexico. Presented to REDESCA on October 11, 2021

⁷¹⁹ DANE, Deaths from Covid-19, [Official Figures March 2, 2020 to July 11, 2021](#), July 26, 2021, p. 72

⁷²⁰ PAHO, Epidemiological Update Coronavirus Disease (COVID-19), 27 September 2021

- informal workers and people in street situations. While these situations of concern related to the disproportionate impact of the pandemic on vulnerable groups – such as people living in poverty and indigenous peoples – continue to arise, the REDESCA urges a re-evaluation of the policies implemented so far in order to adopt effective measures to guarantee the life and health of these people.⁷²¹⁷²²
491. In relation to the vaccination process, the Office of the Special Rapporteur on ESCER welcomes the efforts of the Colombian Government to access vaccines against COVID-19, against which it is highlighted that the country began the vaccination campaign in February 2021 with doses obtained through bilateral agreements, and at the beginning of March, became the first country in the Americas to receive vaccines through the COVAX mechanism. The REDESCA notes that for the distribution of vaccines the State developed and implemented a national vaccination plan, in which prioritization criteria were established with special attention to groups at risk. This would be in line with the provisions of Resolution 1/2021.⁷²³⁷²⁴⁷²⁵⁷²⁶
492. In the same sense, the REDESCA highlights the advances in vaccination, in which, based on official information at the end of October 2021, it is observed that there would be a coverage rate of more than 70% for people over 70 years of age and more than 55% for people between 50 and 69 years of age. Likewise, efforts to promote the vaccination of people over 12 years of age are highlighted, in which there would be a coverage rate of 41% for people between 40 and 49 years old and 13% for people between 30 and 39 years old, with a coverage that is gradually expanding in the different age groups.⁷²⁷⁷²⁸
493. Compared to coverage by departmental level, the advances in Amazonas (almost 60%), San Andrés and Providencia (56%), Boyacá (49%), Quindío (48.5%), Bogotá DC (46%), as well as Santander, Tolima, Risaralda and Guaviare, which would exceed 40% coverage, stand out. Likewise, it takes note of the departments that would still have a low coverage, such as Vaupés, Chocó, La Guajira and Vichada. Faced with the latter, it is urged to continue adopting measures to ensure that all persons under the jurisdiction of the State can physically access vaccines, through the provision of infrastructure and logistics necessary to ensure their distribution throughout the territory, with special attention to rural areas and peripheral areas, as well as certain groups and individuals, such as indigenous and tribal peoples, and peasant communities, who live in remote

⁷²¹ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020.

⁷²² REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, paras. 321-324

⁷²³ Paho, Colombia receives the first vaccines to reach the Americas through the COVAX Mechanism, 1 March 2021

⁷²⁴ National Government of Colombia, Actions taken by the Government health, 29 January 2021

⁷²⁵ Ministry of Health of Colombia, Colombia assured its citizens the necessary doses of vaccine for covid-19 through bilateral and multilateral mechanisms, with which it is planned to vaccinate the population in 2 phases and 5 stages, having as a prioritization the groups, 8 March 2021

⁷²⁶ IACHR, Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations, 6 April 2021, para. 1.

⁷²⁷ Ministry of Health of Colombia, COVID-19 vaccination coverage, 27 October 2021

⁷²⁸ Ministry of Health of Colombia, COVID-19 vaccination coverage, 27 October 2021

areas in contexts of profound disparities in the availability of health goods and services compared to other areas of the country. In this context, the Exceptional Measure of the State to vaccinate the populations of the Colombian Amazon belt, made up of Amazonas, Guainía and Vaupés, is welcomed.⁷²⁹⁷³⁰⁷³¹

494. On the other hand, taking into account that, in accordance with IACHR Resolution 1/2021, universal and equitable access to available vaccines constitutes an obligation of immediate compliance by States, and that, as a result, in the distribution of vaccines States must refrain from discriminatory treatment, through the removal of regulatory obstacles, Regulatory or of any kind that could promote this practice, the REDESCA draws attention to the official statements that initially excluded people in a situation of human mobility from Venezuela from the vaccination plan, and specifically, those who did not have immigration documentation.⁷³²⁷³³

495. While acknowledging the pressure required by the immunization process of these people, and therefore the need expressed by the Government for international cooperation, it is worrying that such statements have been made, especially since vaccines should be considered a global and regional public good. Thus, although it is noted that these barriers to access would have been lifted and today official voices recognize that it is also⁷³⁴⁷³⁵ an epidemiological obligation to vaccinate Venezuelans residing in Colombia regardless of their migratory status, it is called to adopt effective measures that ensure conditions of real equality in access to vaccines, considering that the REDESCA has continuously received complaints about the challenges of people in a situation of human mobility for access to health services, and particularly, for access to vaccines against COVID-19.⁷³⁶⁷³⁷

496. On the other hand, an issue of special concern to the REDESCA are the attacks on medical missions, which have not only occurred in the context of the armed conflict, but were also evidenced in the framework of social demonstrations in the country. Thus, from the working visit to the territory, note was taken of the complaints presented by organizations in the health sector, in which attacks

⁷²⁹Ibid

⁷³⁰ IACHR, Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations, 6 April 2021, para. 6.

⁷³¹ Ministry of Health of Colombia, These are the epidemiological criteria for vaccination in the Amazon, 19 February 2021; Swissinfo, Almost 1,200 indigenous people have died in Colombia from covid in a year of pandemic, 15 March 2021

⁷³² IACHR, Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations, 6 April 2021, para. 1.

⁷³³ Amnesty International Refugees and Covid-19 vaccines: Part of the solution, but not always part of the plan, May 12, 2021

⁷³⁴ The Republic, President Duque calls for support from the international community to vaccinate irregular migrants, 12 January 2021; Ministry of Health Colombia, Colombia includes migrants in its response to COVID-19 but needs more international support, April 13, 2020

⁷³⁵ IACHR, Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations, April 6, 2021

⁷³⁶ EFE, Colombia considers it an epidemiological obligation to vaccinate Venezuelan migrants, July 30, 2021; AA Colombia works on regulations to vaccinate migrants in an irregular situation against COVID-19, August 7, 2021

⁷³⁷ The Spectator, "I do want to get vaccinated, but I haven't been able to because I don't have the permit", September 17, 2021

on the life and integrity of health personnel were reported, as well as obstacles to the regular transit of health emergency vehicles, transport of medical supplies and food, compared to which it is specified that these would have occurred exceptionally in the framework of some road cuts . In addition⁷³⁸, complaints were received about the alleged obstruction of the passage of ambulances by the security forces, as well as about their use in some cases for the transport of public forces and/or their weapons, instead of for health purposes. In this regard, it is indicated that these facts would not only distort the work of medical missions, but also raise the level of risk faced by their personnel in these contexts.

497. In addition, the Commission and the REDESCA received information on the existence of threats and harassment of medical units and health personnel, especially those who would be providing support to people on the front line. Similarly, information was received on alleged impediments by the security forces, particularly the ESMAD, for the timely care of injured demonstrators, along with the fear of these people to go to health centers due to the risk of being prosecuted. In addition to the above, the IACHR and the Office of the Special Rapporteur received information from medical and nursing personnel on alleged indications by State agents to refuse care for people injured in the demonstrations, along with pressure and threats against health personnel not to pronounce on the protests, as well as to provide medical records of the people injured in the context of the demonstrations under penalty of sanctions. and against their obligation to safeguard professional secrecy.⁷³⁹⁷⁴⁰

498. Faced with this situation, the REDESCA emphatically rejects attacks on medical missions and urges that medical missions be recognized for their humanitarian work and guarantee their reinforced protection. In particular, it calls for ensuring that the protection of human rights, particularly the right to health, are at the heart of the measures and actions taken in the context of social conflicts, ensuring that health care can be provided to all people without discrimination and without fear of reprisals or sanctions. In the same vein, all parties are called upon to refrain from attacking the medical mission, taking all precautions to facilitate the fulfillment of their duties. Finally, the State is reiterated its obligation to investigate, prosecute and punish the perpetrators of the aforementioned attacks.

499. In relation to women's rights and the guarantee of the right to health in the context of the pandemic and its consequences, the REDESCA notes how women would be deprived of access to sexual and reproductive health services in the country, and specifically, how the barriers to access to voluntary interruption of pregnancy (IVE) would have been accentuated. with a differentiated impact on the most vulnerable, including, among others, women in rural areas and those in a situation of human mobility. Among the barriers identified are: ignorance of the legal framework -or its restrictive interpretation-, failures in the provision of health services, lack of information on access routes to the IVE, the virtuality of procedures and the consequent digital divide for a part of the population, and cultural barriers, which are associated with the burden of care that has

⁷³⁸ IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021; REDESCA, Meeting with organizations of the health sector of Colombia, June 14, 2021

⁷³⁹ Ibid

⁷⁴⁰ IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021; REDESCA, Meeting with organizations of the health sector of Colombia, June 14, 2021

- been transferred mainly to women in the context of the pandemic and that prevents them from going to health services. In this regard, the REDESCA recalls that, in accordance with IACHR Resolution 1/2020, in the context of the pandemic, States must guarantee the availability and continuity of sexual and reproductive health services, as well as incorporate the gender perspective based on an intersectional approach in all their responses to contain the pandemic.⁷⁴¹⁷⁴²⁷⁴³
500. Finally, the REDESCA bears in mind that the effectiveness of any health prevention measure is intrinsically related to the condition in which the guarantee of the social determinants that make up a full enjoyment of the right to health is found. These include the right to a healthy environment and the right to water, the right to food, income level and social protection, access to housing, among others. For this reason, the challenges to effectively combat the high levels of poverty and inequality in the country, which especially affect women, people in rural areas, indigenous peoples and people of African descent, among other groups in vulnerable situations, are highly worrying.
501. In this way, according to information from the National Administrative Department of Statistics (DANE), in 2020 monetary poverty reached 42.5% and extreme monetary poverty 15.1%, with a total of 21 million people in poverty and 7.5 million in extreme poverty. In this regard, it is specified that the departments with the highest concentration of population below the poverty line coincide with the regions where indigenous peoples and Afro-descendant communities predominate. In the same vein, according to the most recent report on quality of life prepared by DANE, multidimensional poverty would have grown by 2020, standing at 18.1% at the national level, although with a much higher growth in dispersed populated and rural centers, in which this would be 37.1%. Compared to the indicators that make up this index, the reduction in barriers to access to health services stands out (which went from 5.5% to 2.2%), although concern is expressed about those that increased by 2020: school absence (reaching 16.4%), long-term unemployment (14.2%) and informal work (74.2%). This is not only because of the increase, but also because of the high levels that would be affecting a large percentage of the population.⁷⁴⁴⁷⁴⁵
502. In this regard, as previously established, poverty constitutes a human rights problem that translates into obstacles to the enjoyment and exercise of human rights under conditions of real equality by individuals, groups and communities living in this condition. Thus, this situation of multidimensional poverty that affects more than 9 million people in the country, would have translated in turn into a situation of hunger and food insecurity, in which it has been known that, as of September, 30% of households do not consume 3 meals a day and that there are estimates that calculate that in Colombia there would be 7 million people experiencing hunger. In this line, it is noted that the COVID-19 pandemic has had a profound impact on the situation of food

⁷⁴¹ The Table for Women's Life and Health, the Oriéntame Foundation, Womens Link Worldwide, the National Women's Network and the Center for Reproductive Rights, BARRIERS TO ACCESS TO VOLUNTARY TERMINATION OF PREGNANCY IN THE CONTEXT OF THE COVID-19 PANDEMIC, August 2021

⁷⁴² Ibid

⁷⁴³ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 49, 53

⁷⁴⁴ National Administrative Department of Statistics (DANE), [Monetary Poverty and Extreme Poverty](#), April 29, 2021; IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021, Para. 12.

⁷⁴⁵ DANE [Press release Multidimensional Poverty in Colombia 2020](#), 2 September 2021.

- insecurity, so since 2020 it has been evident that many people have hung red rags on the windows of their homes to indicate that they need food and monetary aid. ⁷⁴⁶747748749750
503. Faced with this point, the REDESCA observes that, according to ECLAC data, Colombia would be one of the countries that in 2020 topped the list with the highest levels of poverty – only after Venezuela and Mexico – reaching a rate of 42.5%. These figures would be in line with estimates from other agencies. For its part, in relation to inequality, the World Bank reported that it would also have grown during the pandemic and that the country would have the highest income inequality among OECD countries and would be the second at the regional level. This would be reflected in the fact that the GINI would stand at 0.54 by 2020 – with the consequent drag of approximately 3.6 million more people into poverty – and a high equitable disparity in access to resources, while the incomes of the richest 10% of the population in the country are 11 times higher than the incomes of the poorest 10%. ⁷⁵¹752
504. In this regard, the Office of the Special Rapporteur on ESCER reiterates its concern about the condition of vulnerability in which women, people in rural and remote areas, indigenous people, people of African descent, peasant populations, people in conditions of human mobility, among others, who suffer disproportionately from the situation of poverty and inequality, with a consequent lack of guarantee of other ESCERs, such as health, education, food, adequate housing, access to drinking water, among others.
505. By way of example and in the face of this constant, the REDESCA notes that women are 1.7 times more likely to be unemployed than men, that indigenous people receive on average two years less education than non-indigenous Colombians, that people of African descent are twice as likely to live in a poor neighborhood and that two-thirds of the sons and daughters of people in a situation of human mobility come from of Venezuela would not be enrolled in schools, compared to less than a tenth of non-migrants. ⁷⁵³
506. Likewise, the constant complaints of indigenous peoples to the IACHR and the REDESCA for the shortcomings in the guarantee of these rights, even for those who have precautionary measures, are observed with concern. Thus, in the framework of the 180th Period of Sessions of the IACHR,

⁷⁴⁶ IACHR, Poverty and Human Rights Report, 2017, para. 91.

⁷⁴⁷ RT News, Nearly half a million new poor: "Multidimensional poverty" is growing in Colombia (and these are the hardest hit areas), 2 September 2021.

⁷⁴⁸ Infobae, Dane: 30% of Colombian households do not consume the 3 daily meals, 26 October 2021

⁷⁴⁹ The Spectator, Solidarity Income and Hunger in Colombia, October 3, 2021

⁷⁵⁰ Infobae, Before returning to total confinement, residents of Ciudad Bolívar cry out for help by hanging red rags in their homes, January 14, 2021; Week Number of Colombians who ate once or twice a day reached 2.5 million in 2020, 15 February 2021; REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS.

CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, para. 324

⁷⁵¹ ECLAC, Statistics and Indicators. Demographic and social poverty, 20 October 2021 ; France24, For the first time in more than 20 years, extreme poverty grew in the world according to the UN, October 18, 2020

⁷⁵² World Bank Towards the construction of an equitable society in Colombia, October 2021

⁷⁵³ World Bank Towards the construction of an equitable society in Colombia, October 2021

beneficiaries of precautionary measures of the Wayuu people continued to denounce the scarcity of food, drinking water, and health services, especially during the pandemic. In the same sense, in the face of the situation of the Nukak people, it is denounced that the absence of the State is notorious, and in fact, in September 2021, the Comptroller's Office made an urgent call to take immediate action in the face of the lack of health centers and educational centers, as well as in the face of the serious problem of hunger. In both cases, the death of children and adolescents due to malnutrition and the lack of effective and immediate attention to their situation have been reported. In this regard, only in September 2021 the death of 28 children in La Guajira due to hunger and lack of drinking water was reported – in a context in which by 2020 Human Rights Watch reported that, as of 2019, the official rate of deaths from malnutrition among children under 5 years of age in La Guajira was approximately six times higher than the national rate.⁷⁵⁴⁷⁵⁵⁷⁵⁶

B. Climate Emergency and Human Right to Water

507. The scenario presented above is even more worrying when considering the impacts that climate change can generate in the guarantee of ESCER and the situation of poverty in the country. This is because Colombia is among the most vulnerable countries to the effects of climate change, so it could face higher temperatures every day, extreme weather incidents and disturbances in ocean patterns that would put energy, food, water and health security at risk. Thus, it has been stated that by 2050 climate change would be likely to affect, among others, the jobs and livelihoods of at least 3.5 million people in the country and the quality of the land that is currently suitable for agro-industries, as well as it is expected that this phenomenon will affect the availability of water. Additionally, it has been indicated that the departments with the highest risk of suffering the impacts of climate change are the poorest, so they have less capacity to cope with the ravages.⁷⁵⁷⁷⁵⁸⁷⁵⁹⁷⁶⁰

508. Given this scenario, which would require immediate attention to implement a human rights approach to climate change, the REDESCA welcomes the initiatives of the Colombian State in this area, among which the creation of a commission to minimize the risks caused by climatic phenomena -which would have the participation of the Ministry of Environment, the Ideam, the National Unit for Disaster Risk Management and the National Planning Department, as well as the climate roadmap to be implemented over the next 10 years to reduce greenhouse gas emissions

⁷⁵⁴ Time, [The hard claim of the Comptroller for the nukak](#), 8 September 2021

⁷⁵⁵ RCN Radio, [La Guajira Youth Commission Goes on Hunger Strike in Bogota](#), 8 October 2021

⁷⁵⁶ Human Rights Watch, [Colombia: Indigenous children at risk of malnutrition and death](#), August 13, 2020

⁷⁵⁷ World Bank [Towards the construction of an equitable society in Colombia](#), October 2021

⁷⁵⁸ Infobae, <https://www.infobae.com/america/colombia/2021/10/23/estados-unidos-ubica-a-colombia-entre-los-once-paises-del-mundo-mas-vulnerables-por-el-cambio-climatico/>, 23 October 2021 ; RCN [Colombia and ten other countries face "serious" climate risks, the U.S. warns. USA.](#), October 21, 2021

⁷⁵⁹ World Bank [Towards the construction of an equitable society in Colombia](#), October 2021

⁷⁶⁰ The Empty Chair, [PREPARING FOR THE INEVITABLE: COLOMBIA'S NEW PRIORITY IN THE FACE OF CLIMATE CHANGE](#), August 12, 2021

- by 51% through the implementation of nearly 200 mitigation, adaptation and implementation measures.⁷⁶¹⁷⁶²
509. Likewise, note is taken of the enactment of the Climate Action Law, which promotes the creation, execution and financing of actions for the mitigation of environmental impacts in the country⁷⁶³. In the same sense, the regulatory advances are recognized through the sanction of the environmental crimes law in July 2021, which modified some punishable ones -such as pollution or illegal hunting- and created new criminal types, including deforestation, ecocide, the financing of invasion to areas of special ecological importance, wildlife trafficking, among others. In line with the above, it also created in the Attorney General's Office a new Specialized Directorate for Crimes against Natural Resources and the Environment.⁷⁶⁴
510. The REDESCA recognizes these efforts and measures adopted by the Colombian State, which allow the creation of a framework that facilitates addressing problems that affect the right to a healthy environment and the guarantee of other ESCERs, taking into account that there is a special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty.⁷⁶⁵
511. Without prejudice to this, the Office of the Special Rapporteur on ESCER expresses its concern that in order for these efforts to be effective and to be able to advance in guaranteeing the right to a healthy environment and the ESCER of the population, priority attention would be required from the State to issues such as: the murder and criminalization of environmental defenders – on which a pattern is still evident, against which there would be no effective actions to help reduce them, comprehensive and timely attention to people affected by deforestation, extractive activities and natural disasters, including the victims of the damage caused by Hurricane Iota at the end of last year in the Archipelago of San Andrés, Providencia and Santa Catalina, as well as those who have suffered displacement and losses due to the actions of illegal groups dedicated to deforestation and rainfall and floods. In the same way, the implementation of effective measures would be required for the operation of ILO Convention 169, together with a discussion from a human rights

⁷⁶¹ Infobae, [Colombia will have a commission to minimize the risks caused by climatic phenomena](#), August 14, 2021

⁷⁶² Ministry of Environment of Colombia, [OECD recognises Colombia's progress on climate change](#), 4 October 2021; Infobae, [Colombia launches climate roadmap for the next 10 years, focused on reducing greenhouse gas emissions by 51%](#), March 10, 2021; The viewer, [Colombia launched climate roadmap for the next 10 years](#), 10 March 2021

⁷⁶³ Ministry of Environment, [President Duque passed the Climate Action Act](#), December 22, 2021; Week [In the middle of the Sierra Nevada, Duque sanctioned the Climate Action Act](#), December 22, 2021; Ministry of Environment of Colombia, [OECD recognises Colombia's progress on climate change](#), 4 October 2021; Portfolio [The climate action bill was approved in the first debate](#), 27 October 2021

⁷⁶⁴ Presidency of Colombia, [Law 2911 of July 29, 2021, July 29, 2021](#); Legis, [Environmental Crimes Law in Colombia](#), 26 August 2021; CMS [THE ENVIRONMENTAL CRIMES LAW: A SIGNIFICANT ADVANCE IN ENVIRONMENTAL PROTECTION IN COLOMBIA](#), August 2021; Sustainable territory, [This is the ABCs of the new 'Environmental Crimes Law'](#), August 2021

⁷⁶⁵ IACHR and REDESCA, Press Release No. 276, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on states and the international community to address the situation of those affected](#), November 17, 2020.

perspective against fracking practices and spraying with glyphosate. To this end, the ratification of the Escazú Agreement would play a significant role. ⁷⁶⁶⁷⁶⁷⁷⁶⁸⁷⁶⁹⁷⁷⁰

512. Faced with these points, the REDESCA expresses its dismay at the threats and murders of environmental leaders in the country, since Colombia would have for the second consecutive year the first place of countries worldwide in murders of environmental defenders in the midst of the deadliest year for these people. Thus, according to Global Witness, in 2020, 65 environmental and land defenders would have been killed in the country – representing almost a third of the deaths worldwide. As of 2021, the REDESCA continued to observe that, as in previous years, there would be evidence of a routine practice of murder and violence against those who oppose extractive industries, and not a situation of isolated events. For this reason, the Office of the Special Rapporteur on ESCER reiterates its urgent call to the State to prevent, investigate, and punish these events, as well as to guarantee access to effective reparation mechanisms for violations of the rights of human rights defenders, and in the case in particular, of environmental leaders. ⁷⁷¹⁷⁷²⁷⁷³

513. In the same vein, the REDESCA is concerned about the progress made in resuming aerial fumigation with glyphosate and that the project that prohibited its use in the country has sunk again, on the understanding that there are several complaints about how the resumption of the Program for the Eradication of Illicit Crops by Glyphosate Spraying (PECIG) generates serious risks for human rights, health and the environment, and that as stated by seven United Nations rapporteurs, this practice would be contrary to the State's obligation to "prevent and avoid exposure to hazardous substances and wastes, to respect the rights of indigenous and Afro-

⁷⁶⁶ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, para. 333

⁷⁶⁷ The Spectator, "Progress is minimal": Comptroller on reconstruction of San Andrés, 20 October 2021; Infobae, A rosary of claims to the Government: spokesman for victims of Iota denounces breaches and failures in the reconstruction of San Andrés, 7 March 2021

⁷⁶⁸ The Spectator, The plea for help of displaced indigenous people in the Amazon to President Duque, 22 September 2021

⁷⁶⁹ The Spectator, Half the country flooded and the rains are just beginning, August 31, 2021; RCN Radio, Rising Cauca River would cause displacement of at least 12,000 people in Ayapel (Córdoba), August 30, 2021; Week Last minute: the Cauca River broke a dam in the sector of La Mojana, in Bolívar, August 28, 2021

⁷⁷⁰ Working Group of the Protocol of San Salvador, CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF COLOMBIA, OAS/Ser.L/XXV.2.1 GT/PSS/doc.52/21, July 2021, para. 104.

⁷⁷¹ Global Witness, Last line of defence, 13 September 2021; CNN 227 people died in the world defending the environment in 2020: 95 of them in Colombia and Mexico, 13 September 2021; Reuters Killings of Colombia environmental activists hit record. NGO says, despite gov't promises, September 13, 2021

⁷⁷² Reuters Killings of Colombia environmental activists hit record. NGO says, despite gov't promises, September 13, 2021

⁷⁷³ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, para. 333

descendant peoples and to protect children from situations that threaten their well-being".
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514. For this reason, the REDESCA joins the calls made by the United Nations rapporteurs and the Working Group of the Protocol of San Salvador, in order to rethink the fumigations with glyphosate and, before any measure, take as a center the full guarantee of human rights. Likewise, in the case of resuming spraying, as expressed by the Working Group of the Protocol of San Salvador, an imperative call is made to guarantee the conditions set by the Constitutional Court, which include that the decision taken is based on objective and conclusive evidence that demonstrates absence of damage to health and the environment, as well as a "regulation [that] must be derived from an assessment of the risk to health and other risks, such as risk to the environment, within the framework of a participatory and technically founded process".⁷⁷⁷⁷⁷⁸
515. In addition to the above, the Office of the Special Rapporteur notes that the bill against exploration and exploitation in unconventional deposits prohibiting practices such as fracking also collapsed, while the final decision by the Council of State continues to be postponed and pilot tests are enabled.⁷⁷⁹ In this regard, it is recalled that the Office of the Special Rapporteur, together with UN rapporteurs and congressmen from various countries, have recommended the prohibition of this practice, considering that, in this way, it would be in line with the commitments acquired in the Paris Agreement, environmental protection, the prevention of environmental conflicts and the guarantee of ESCER of communities.⁷⁸⁰ Along these lines, the REDESCA recalls that the State must comply with the principles of precaution and prevention of environmental damage recognized by the Inter-American Court of Human Rights -through its advisory opinion no. 23/17-, as well as recognize in all its actions that the right to a healthy environment is intrinsically related to the right of everyone to the enjoyment of the highest level of physical and mental health, in accordance with the International Covenant on Social, Economic and Cultural Rights.⁷⁸¹⁷⁸²
516. Against this background, the REDESCA welcomes the initiative to file the Escazú Agreement again before Congress, which would have been given on October 29, and urges its prompt ratification to

⁷⁷⁴ Time, [HRW calls on U.S. to pressure Duque over human rights situation in Colombia](#), October 19, 2021

⁷⁷⁵ Week [Project banning the use of glyphosate in Colombia collapsed](#), 6 October 2021; Snail [Project that proposed to ban the use of glyphosate sinks again](#), 6 October 2021

⁷⁷⁶ DeJusticia, [Seven UN rapporteurs ask Duque to rethink returning to glyphosate spraying](#), March 7, 2021.

⁷⁷⁷ Working Group of the Protocol of San Salvador,

[CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF COLOMBIA, OAS/Ser.L/XXV.2.1 GT/PSS/doc.52/21](#), July 2021, para. 106; DeJusticia, [Seven UN rapporteurs ask Duque to rethink returning to glyphosate spraying](#), March 7, 2021.

⁷⁷⁸ Colombian Constitutional Court, [Judgment T-236/17](#), 21 April 2017

⁷⁷⁹ Values Analitika, [Bill aimed at banning fracking in Colombia collapsed](#), June 19, 2021

⁷⁸⁰ RCN [State Council resumes debates on fracking viability](#), 30 September 2021

⁷⁸¹ Sputnik [Fracking: "The interests that Duque represents are not those of the Colombian population"](#), 11 October 2021; DW [The fracking test in Colombia](#), July 14, 2021

⁷⁸² Working Group of the Protocol of San Salvador, [CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF COLOMBIA, OAS/Ser.L/XXV.2.1 GT/PSS/doc.52/21](#), July 2021, para. 116; Business and Human Rights Information Center, Colombia: ["Fracking: UN experts and congressmen from several countries call for a ban on it"](#), 29 January 2021; Infobae, [IACHR-OAS Rapporteur Joins UN and Calls on Colombia to Ban Fracking](#), 11 March 2021

continue advancing in the effective protection of the environment, taking into account that this agreement reinforces principles and obligations established in inter-American regulations and jurisprudence on the right to a healthy environment, by highlighting the need to guarantee so-called "access rights" to ensure their validity, such as the effective protection of people's right to defend the environment.⁷⁸³ Likewise, this instrument has been recognized as an outstanding normative advance in the face of environmental degradation and climate change.⁷⁸⁴⁷⁸⁵

517. In this regard, the Office of the Special Rapporteur notes that, unlike the filing of the bill before Congress on July 20 of last year, this time the filing would go without a message of urgency. This despite the fact that it had been warned since August that, if the project was not urgently filed by the end of that month, it was likely that it could not be approved this year due to legislative times.⁷⁸⁶ In this line, the alerts about the lack of momentum for its approval are observed with concern, unlike other projects of interest of the Executive. Taking into account that it is the second time that the project has been presented and that in June of this year it sank for approval, the REDESCA urges that, in line with the agenda presented by the Government for the protection of the environment and to face the climate emergency, the project be given the necessary relevance for its discussion and prompt approval. Without prejudice to this, the Office of the Special Rapporteur reminds the State that within the framework of the inter-American system there are obligations applicable in this area, which have been included by both the Commission and the Inter-American Court in various pronouncements.⁷⁸⁷⁷⁸⁸

518. For its part, with regard to the human right to water, the REDESCA welcomes the creation of the Accidental Commission on Water and Biodiversity, which will have as its main function to generate a public policy of conservation and preservation of the national water resource and the biodiversity of the country. In the same vein, note is taken of initiatives such as the "Water to the Countryside" program, which seeks to close gaps in access to water and sanitation in rural areas of the country. According to official data from the Ministry of Housing, the program would have reached 2 million people through access to adequate drinking water solutions, of which 497,000 are from rural areas, as well as 2.3 million people with adequate sanitation solutions, of which 408,000 are in rural areas. Likewise, the progress with the Guajira Azul program is highlighted, of which as of February 2021, it was reported that the coverage of drinking water in dispersed rural areas of La Guajira had increased by 15% since 2018 (-from 4% to 19.4%), with a goal of reaching 49% coverage by the end of the year, along with the increase in the continuity of water service in

⁷⁸³ Infobae, [What the Escazú Agreement is about and why Colombia does not want to ratify it](#), November 3, 2021

⁷⁸⁴ IACHR and REDESCA, Press Release No. 098 of 2021, [On Earth Day, IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency](#), April 22, 2021

⁷⁸⁵ Ibid.

⁷⁸⁶ Presidency of the Republic of Colombia, [With a message of urgency, the Government filed a bill for the approval of the Escazú Agreement](#), July 21, 2020

⁷⁸⁷ RCN [They ask the Government to comply with the filing of the project on the Escazú Agreement](#), August 30, 2021

⁷⁸⁸ Infobae, [What the Escazú Agreement is about and why Colombia does not want to ratify it](#), November 3, 2021

urban areas, which in the same period, would have gone from 9 to more than 11 hours, with the goal of reaching up to 16 hours.⁷⁸⁹⁷⁹⁰⁷⁹¹

519. Although from these programs, and others such as "agua al barrio" – focused on informal neighborhoods in cities – it has been reported that, as of August 2021, 93% of Colombians would have access to water, the REDESCA urges to continue strengthening these measures, with a special emphasis on ensuring continuous access to safe water to rural populations and those who are in a situation of poverty and extreme poverty, as serious gaps between rural and urban areas continue to be reported. As an example, the San Salvador Working Group in its latest report on Colombia highlighted that: "from the data of the 2019 Quality of Life Survey, the growth of the previously identified gap is identified, while there would be a difference between rural and urban areas of 43.2 percentage points for aqueduct and 78 percentage points for sewerage".⁷⁹²⁷⁹³⁷⁹⁴
520. This call is even more pressing in the context of the COVID-19 pandemic, taking into account that the guarantee of this right considerably reduces the risks of contagion. In this regard, it is specified that, as indicated by the IACHR and the REDESCA, within the framework of the Inter-American System, the human right to water imposes the obligation on States to guarantee access to safe water in sufficient quantity as an inescapable condition for the satisfaction and exercise of several human rights. as are the right to life, personal integrity, health, among others.⁷⁹⁵

C. Business and Human Rights

521. According to information provided by the State, one of the strategies to advance in the fulfillment of its international commitments in the field of Human Rights was the adoption of the National Action Plan for Business and Human Rights 2020-2022 "Together We Make It Possible, Resilience and Solidarity", which was launched on December 10, 2020. Among the objectives of this policy is to comply with the provisions of the Guiding Principles on Business and Human Rights of the United Nations, along with mitigating the effects caused by COVID-19, thus becoming the human rights approach of the economic and social reactivation program "New Commitment for the Future of Colombia". This program would be the roadmap to be implemented until 2022 and has five pillars: (i) Employment generation; (ii) Clean and sustainable commitment; (iii) Commitment to

⁷⁸⁹ Congress of the Republic of Colombia, Senate creates the Accidental Commission on Water and Biodiversity, August 25, 2021

⁷⁹⁰ Ministry of Housing of Colombia, 2 years of Agua al Campo: a program that contributes to the increase in water and sanitation coverage and the closing of gaps in rural areas of Colombia, August 15, 2021

⁷⁹¹ Ministry of Housing of Colombia, Guajira Azul with works and results: 15 completed projects and 14 more in execution, 19 February 2021

⁷⁹² Ministry of Housing of Colombia, Colombia powers water: 93% of Colombians already have access to this service, August 24, 2021

⁷⁹³ RCN The water access gap between urban and rural Colombia, 12 April 2021

⁷⁹⁴ Working Group of the Protocol of San Salvador, CONCLUDING OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF COLOMBIA, OAS/Ser.L/XXV.2.1 GT/PSS/doc.52/21, July 2021, para. 108

⁷⁹⁵ IACHR, Press Release No. 077, IACHR and REDESCA Express Concern over lack of electricity and drinking water in Venezuela, March 22, 2019.

- the poorest and most vulnerable people; (iv) Commitment to the policy of peace and legality, and, (v) Commitment to the health of Colombians.⁷⁹⁶
522. The REDESCA welcomes the fact that, within the framework of economic and social recovery, the State considers within its objectives the protection of human rights, including the role of business activities for this purpose. Without detriment to this, the REDESCA once again makes itself available to the State to socialize and identify actions aimed at complying with inter-American standards on the matter, which were developed in its report on business and human rights. In this regard, it is specified that advances in this area require a constant dialogue between developments in the Universal System and regional systems, against which the Inter-American System provides an invaluable framework to strengthen standards and the effective protection of human rights in the context of business activities.
523. This would be even more pressing considering that, in the context of the pandemic, companies have a key role to play and their conduct must be guided by applicable human rights principles and rules. In this regard, and in accordance with Resolution 1/2020, States should demand and monitor that companies respect human rights, adopt human rights due diligence processes and be held accountable for possible abuses and negative impacts on human rights, particularly for the effects that the contexts of pandemic and infectious health crises often generate on the ESCERs of the populations and groups in the most vulnerable situations and, in general, about working people, people with sensitive medical conditions and local communities.⁷⁹⁷
524. In addition to the above, it is highlighted that collaboration in this aspect would be very relevant, considering the situation of high vulnerability in which human rights defenders in the country would find themselves, and particularly land and environmental defenders, as previously addressed. In this regard, the report "Business and Human Rights: Inter-American Standards" showed the unequivocal connection that exists between threats to environmental defenders, demand in the exploitation and use of natural resources and the existence of private interests with the capacity to influence State institutions.⁷⁹⁸
525. Taking into account this panorama, the REDESCA again highlights the urgency of conducting an exhaustive investigation, which not only informs of possible criminal actors involved, but also of authorities, companies, local suppliers of these, among others. It also highlights the State's obligation to ensure that violations against human rights defenders are prevented, identified and punished, as well as to implement effective actions to stop the growing forms of aggression, criminalization, surveillance and impunity against these people in the framework of business activities.⁷⁹⁹

⁷⁹⁶ Government of Colombia, Note S-GAIIID-21-021485. Colombia's Contributions to the Preparation of the IACHR's Annual Report, September 8, 2021

⁷⁹⁷ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 19

⁷⁹⁸ IACHR, Business and Human Rights Inter-American Standards, OAS/Ser.L/V/II, Para. 323, November 1, 2020

⁷⁹⁹ IACHR, Business and Human Rights Inter-American Standards, OAS/Ser.L/V/II, Para. 327, November 1, 2020

D. Labor and Trade Union Rights

526. Faced with the guarantee of labor and trade union rights, the REDESCA observes with concern the impacts that the pandemic has had on the labor market, with a disproportionate impact on women and young people, which would have been evidenced during the visit to the country. Overall, it is noted that approximately 424,000 jobs would need to be recovered to reach the employment levels recorded before the pandemic. Without detriment to this, the recovery of a considerable number of jobs is highlighted, while it would have been reported that 88.4% of the jobs lost due to the pandemic have been recovered. In the same vein, it is observed that, according to DANE, for the month of September the unemployment rate was 12.1%, which would be 3.7 percentage points less than the unemployment rate registered in September 2020 (15.8%).⁸⁰⁰⁸⁰¹⁸⁰²⁸⁰³
527. Despite the recovery that would be taking place from the economic reactivation, the REDESCA observes with concern the high levels of informality in the country, since between June and August 2021, the proportion of the informally employed population was 47.7% for the total of the 23 cities and metropolitan areas. Thus, it has been estimated that there would be approximately 5.3 million informal workers. These figures would be in line with the World Bank's estimate, which states that only 40% of working Colombians would have jobs in the formal sector, representing one of the lowest rates in Latin America.⁸⁰⁴⁸⁰⁵⁸⁰⁶
528. In the same way, the Office of the Special Rapporteur ESCER takes note of the differentiated and disproportionate impacts on women, since in the country a woman is 1.7 times more likely to be unemployed than a man and it has been estimated that, in the face of the wage gap, 20 women would have to get a job for every man who gets it to reach the figure that was before the pandemic. According to Dane figures, for the quarter between July and September 2021, the unemployment rate for men was 9.8%, while for women it was 17.2%, which represents a difference of 7.4 percentage points. In this regard, a priority call is made to incorporate a gender perspective, based on an intersectional approach, in the Employment Policy of the State and its economic recovery plan, through which it addresses the normative and de facto barriers that prevent the full and equal incorporation of women in the labor market.⁸⁰⁷⁸⁰⁸⁸⁰⁹
529. For its part, with respect to young people, the Office of the Special Rapporteur on ESCER welcomes the programs adopted by the State to promote their insertion into the labor market, such as the employment program for young people, which was launched in July 2021, through which 25% of a minimum monthly wage for 12 months is subsidized for companies that generate new jobs for people between the ages of 18 and 28. Even so, for the June and August quarter of 2021, the

⁸⁰⁰ IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021, para. 13

⁸⁰¹ Infobae, [Colombia must recover 424,000 jobs to reach pre-pandemic levels, according to Dane](#), October 1, 2021

⁸⁰² Portfolio [Colombia has recovered 88.4% of jobs lost due to the pandemic](#), November 3, 2021

⁸⁰³ Dane [Labor market, employment and unemployment](#), September 2021

⁸⁰⁴ DANE [Large Integrated Household Survey \(GEIH\), technical bulletin](#), June-August 2021

⁸⁰⁵ Weather, [There are 5.3 million informal workers in Colombia](#), August 11, 2021

⁸⁰⁶ World Bank [Towards the construction of an equitable society in Colombia, highlighted 3](#), October 2021

⁸⁰⁷ World Bank [Towards the construction of an equitable society in Colombia, highlight 1](#), October 2021

⁸⁰⁸ Infobae, [Colombia must recover 424,000 jobs to reach pre-pandemic levels, according to Dane](#), October 1, 2021

⁸⁰⁹ DANE [Large Integrated Household Survey \(GEIH\), technical bulletin](#), October 29, 2021

unemployment rate of the young population stood at 21.5%, compared to which men would have an unemployment rate of 16.4% and women of 28.4%. Additionally, it is noted that, for this same period, more than 3 million young people between the ages of 14 and 28 were reported not studying or working – representing 25.4% of people of working age for this age range.⁸¹⁰⁸¹¹⁸¹²⁸¹³

530. Against this background, the implementation of differentiated measures that meet the labor and educational needs of this population group continues to be encouraged. In the same vein, taking into account that during the IACHR's visit to the country it was reported that groups of young people denounced, among others, the situation of social food risk, repression by the security forces, and family and institutional disaffiliation, coupled with certain acts of stigmatization, the IACHR's call to give a special place to young people in the dialogue processes is reiterated. that allow them new alternatives and opportunities.⁸¹⁴

E. Fiscal and Economic Policies

531. Despite the efforts and measures of the State in the area of fiscal and economic policies, the REDESCA observes that one of Colombia's main challenges is that the country's tax system would not produce changes in the distribution of income, which has a direct impact on high levels of inequality. In addition, social spending would be relatively low, while social needs are increasing. The latter while acknowledging that the Government has promoted measures to expand social programmes, which have contributed to the reduction of poverty and extreme poverty.⁸¹⁵⁸¹⁶⁸¹⁷

532. According to the World Bank, this low capacity to reduce inequality gaps would be associated with the fact that the State stops receiving important resources that could be redistributed to people in poverty, by setting very high deductions and tax thresholds in personal income tax, to which it is added that exemptions from value added tax (VAT) and zero rates end up granting large tax discounts to the people with high incomes and that the programs of cash transfers and subsidies to public services have large leaks to households that do not require it -due to their high level of income-.⁸¹⁸

533. For this reason, it is not surprising that the proposal to reform the tax system, based on the filing of the "Sustainable Solidarity Law" by the national government on April 15,⁸¹⁹. While it was true

⁸¹⁰ The Republic, [Youth Employment Program will generate more than 600,000 jobs by the end of 2021](#), July 2, 2021; Infobae, [Colombia must recover 424,000 jobs to reach pre-pandemic levels, according to Dane](#), October 1, 2021

⁸¹¹ DANE [Large Integrated Household Survey \(GEIH\), Youth Labor Market](#), June-August 2021, October 13, 2021

⁸¹² Ibid.

⁸¹³ Ibid.

⁸¹⁴ IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021 para. 146

⁸¹⁵ World Bank, [Fiscal Policy in Colombia: Harnessing its Potential for a More Equitable Society](#), 2012, p. 5; IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021, para. 11; World Bank [Towards the construction of an equitable society in Colombia, highlighted 5](#), October 2021

⁸¹⁶ Organisation for Economic Co-operation and Development (OECD), [OECD Economic Studies Colombia](#), October 2019

⁸¹⁷ Ibid.

⁸¹⁸ World Bank [Towards the construction of an equitable society in Colombia, highlighted 5](#), October 2021

⁸¹⁹ IACHR, [Working visit to Colombia. Observations and recommendations Visit: June 2021](#), July 7, 2021 para. 22

that the country needed to promote a tax reform to address the ravages produced by the COVID-19 pandemic, and that when the project was presented it was affirmed that it was aimed at protecting the most needy people – for example, by expanding⁸²⁰ .⁸²¹ .

534. Faced with this reform, it was denounced that it was highly harmful to the middle class, by including proposals such as: the expansion of the taxpayer base – for those who had incomes close to two million pesos -, the VAT of 19% for public services, funeral services and the elimination of some products that were excluded from this tax, which would end up indirectly taxing the family basket. In this sense, it was indicated that the highest percentage of collection came from natural persons, by increasing the number of taxpayers who had to pay rent and the fees paid by the wealthiest people, although with a disproportionate impact on the middle class.⁸²²⁸²³⁸²⁴

535. Although it is recognized that it was withdrawn and it was stated that the project would be reevaluated to meet various citizen demands, the REDESCA expresses its concern since various sectors have denounced that their claims were not heard. Thus, it has been stated that the new tax reform, sanctioned on September 14, would inherit fiscal problems to be solved for the next government, since it would not touch structural issues. Faced with this, in turn it has been reported that it would not be an effective measure to generate a fairer tax system, by focusing on taxes on companies and omitting measures that would have been positive, such as green taxes, greater taxation of natural persons and elimination of some tax benefits. Among other controversial points, it has been mentioned that this would not touch the privileges of rich people or mitigate evasion.⁸²⁵⁸²⁶⁸²⁷⁸²⁸

536. Without detriment to the above, it is highlighted that the expenditure would be destined, among others, to the extension of the Solidarity Income program -with which 4.1 million people would be covered until December of next year-, to incentives to companies that hire young people and women, the increase of the subsidy to Colombia greater -destined to the elderly- and free enrollment for the higher education of young people from low socioeconomic strata.⁸²⁹

⁸²⁰ The empty chair, [DUQUE SPECIFIES THE TAX, AND IT IS HIS MOST AMBITIOUS PROJECT](#), March 23, 2021

⁸²¹ RT News, [Unions ratify the call for a general strike in Colombia against Duque's tax reform](#), April 22, 2021; Infobae, [Workers' confederations reject Duque's tax reform and reiterate the call for a strike on April 28](#), April 16, 2021

⁸²² Institutional TV Channel, [Tax Reform: Why Was It Ordered to Withdraw?](#), 2 May 2021; The empty chair, [DUQUE SPECIFIES THE TAX, AND IT IS HIS MOST AMBITIOUS PROJECT](#), March 23, 2021

⁸²³ The empty chair, [DUQUE SPECIFIES THE TAX, AND IT IS HIS MOST AMBITIOUS PROJECT](#), March 23, 2021

⁸²⁴ The empty chair, [DUQUE SPECIFIES THE TAX, AND IT IS HIS MOST AMBITIOUS PROJECT](#), March 23, 2021; Infobae, [Workers' confederations reject Duque's tax reform and reiterate the call for a strike on April 28](#), April 16, 2021

⁸²⁵ Of Justice, [Tax reform: a missed opportunity](#), August 30, 2021; RCN [Strike Committee calls for new mobilizations against the Tax Reform](#), 9 September 2021

⁸²⁶ The Empty Chair, [THE TAX AFTER THE STRIKE LANDS WITH ALLIES OF CONGRESS](#), 14 July 2021

⁸²⁷ Of Justice, [Tax reform: a missed opportunity](#), August 30, 2021

⁸²⁸ Public reason, [Tax reform and social subsidies: inequality and inefficiency](#), October 24, 2021; RCN [Strike Committee calls for new mobilizations against the Tax Reform](#), 9 September 2021

⁸²⁹ The Empty Chair, [CONGRESS FLEW WITH DUQUE'S POST-PAROLE TAX](#), 8 September 2021

537. Against this background, the REDESCA reiterates the importance of fiscal and economic policies having as their center the guarantee of human rights, in order that they enable the progressive development of ESCER. Likewise, it emphasizes the need for public participation in its design and implementation, since social protests have been a legitimate channel through which citizens have peacefully demanded greater and better measures for the guarantee of human rights, and particularly, of ESCER. In this sense, it takes note of the social calls for the demand for public and free higher education, greater guarantees for labor rights, the recognition of a basic income, the reform of the health system that has as its center the guarantee of human rights, the protection of the environment, among others.

538. In relation to these points, and in line with what was indicated by the IACHR in its Resolution 1/2020, it is emphasized that, in the context of the pandemic, States must have and mobilize the maximum of available resources to make effective the right to health and other ESCERs, in order to prevent and mitigate the effects of the pandemic on human rights, including by taking fiscal policy measures that allow for equitable redistribution.⁸³⁰

F. Education, science, technology: academic freedom and university autonomy

539. The REDESCA welcomes the efforts and measures implemented by the Colombian State to guarantee education in the context of the COVID-19 pandemic, among which, after the closure of classes in March 2020, strategies were designed through the use of digital platforms, physical guides, radio or television to continue with the educational process. Likewise, that, based on a risk assessment and pilot tests, since September 2020 a program of gradual and progressive return to classes was advanced, through a model of alternation in public and private institutions in the country. To achieve education under the alternation model, the Government announced that it would be accompanying each region of the country and assured that the model was safe, after having carried out pilot tests in 75% of the country during 2020.⁸³¹⁸³²⁸³³

540. Without prejudice to the above, the REDESCA observes that, despite the calls for the safe return to the classrooms and the provision of funds through the Emergency Mitigation Fund, as of October, more than 12% of official educational institutions would not have returned to face-to-face attendance and more than 2.4 million children would not be benefiting from face-to-face classes. Although by November, 95% of schools would be offering the return to the classrooms, only 75% of students would be attending in this way, so after a year and a half in which virtual classes were taught, one in four children in the country would have to finish their school year remotely. According to the World Bank, the closure of schools would have lost the equivalent of 1.2-1.7 years

⁸³⁰ IACHR, [Resolution 1/2020: Pandemic and Human Rights](#), April 10, 2020, para. 13

⁸³¹ REDESCA, [IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, CULTURAL AND ENVIRONMENTAL \(REDESCR\) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS \(IACHR\)](#), 2020, OAS/SER. L/V/II, 30 March 2021, para. 328.

⁸³² Colombia [Coronavirus Colombia: what is known about the back-to-school plan in schools](#), August 23, 2020

⁸³³ Ministry of Education Colombia, [Government will accompany each region of the country to achieve education under the alternation model: MinEducación](#), 10 September 2021

- of learning, which would correspond to between 10 and 25% of the level of learning prior to the pandemic.⁸³⁴⁸³⁵
541. Considering that the right to education would be the main means to get out of poverty for children and adults living in a situation of economic and social vulnerability, the REDESCA expresses its concern about the serious impacts that the pandemic has had on the guarantee of the right to education of children in the country, particularly on those in situations of poverty and extreme poverty, as well as on those in remote and rural areas, who would have faced significant challenges in accessing educational services, among others, due to the lack of connectivity or technological means to do so.⁸³⁷
542. The above, taking into account that Colombia would be one of the countries with the greatest disparities in the use of technology among the different socioeconomic groups. Likewise, with serious geographical gaps in front of these services, since in 2020, only 56.5% of Colombian households had access to the internet, with the headwaters presenting a proportion of 66.6%, and the population and dispersed rural centers of 23.9%. Thus, as an example, it is noted that, between 2019 and 2020, school absence at the national level went from 2.7% to 16.4%, while in rural areas this would have increased much more widely, going from 4.8% to 30.1%. This is without taking into account that school dropout would not necessarily be the only factor to be considered to evaluate the guarantee of the right to education, since it does not allow to measure the educational quality that students were receiving during this time, the level of contact with their schools or school care.⁸³⁸⁸³⁹
543. In this context, it takes note of the calls of the Colombian Federation of Education Workers (FECODE), through which the violation of labor and trade union rights for members of the union has been denounced, together with the lack of conditions for the safe return to classes - due to the fact that some institutions would not have the conditions to adopt biosecurity protocols, as well as that, at the time when face-to-face attendance was called, there were high rates of infection by COVID-19 and the immunization process of the country's educational personnel had not been completed. This, together with the high level of risk that teachers and the union leadership would be facing in the face of their stigmatization, in which it has been indicated that they are the main cause of children being deprived of education. In the context of the social demonstrations, it would have been pointed out that "to protest if they go out, but not to educate" and that, as indoctrinators, they would be "the culprits that young people are like this". In this way, it has been reported that

⁸³⁴ Snail [More than 2.4 million children have not returned to face-to-face classes](#), 12 October 2021

⁸³⁵ Week [Ministry of Education revealed that more than 2.4 million children could finish the school year from home](#), November 3, 2021

⁸³⁶ World Bank [Towards the construction of an equitable society in Colombia](#), October 2021

⁸³⁷ CESCR, General Comment No. 13, The right to education, E/C.12/1999/10, 8 December 1999.

⁸³⁸ World Bank [Towards the construction of an equitable society in Colombia, highlighted 3](#), October 2021

⁸³⁹ DANE [National Quality of Life Survey 2020, Press Release](#), September 2, 2021

⁸⁴⁰ Ibid.

⁸⁴¹ Weather, [School absence went from 4.8% to 30.1% in rural areas](#), 7 September 2021; Week [What the DANE school absence figures do not reveal](#), 3 September 2021

⁸⁴² Week [What the DANE school absence figures do not reveal](#), 3 September 2021

several of its members have suffered threats and attacks, especially those who have participated in the national strike.⁸⁴³⁸⁴⁴

544. Although it is specified that an agreement would have been signed for the face-to-face school, the REDESCA continues to recognize the challenges that the country would face for the face-to-face and safe return to classes, as well as the importance of this type of teaching modality for the guarantee of the right to education of children. For this reason, the REDESCA calls for continuing to strengthen spaces for national dialogue, which not only allow consensus between the parties, but also guarantee that the agreements are based on a human rights approach, through which the protection of the best interests of children and adolescents is enabled, together with the labor and trade union rights of the teaching staff. To this end, and to continue building a space of trust between the parties, the Office of the Special Rapporteur considers respect for the agreements reached between the national government and FECODE to be a priority. In the same vein, a priority call is made to protect the life and personal integrity of teachers and trade union leaders, recalling the State's obligation to investigate, prosecute and punish the perpetrators of the aforementioned attacks and threats.

545. On the rights to university education and academic freedom, the REDESCA also expresses its concern about the impact of the pandemic on young people, taking into account that it has been reported that 39,000 students would have abandoned their university studies in the face of economic challenges or adaptability to virtuality. Likewise, that only 42% of young Colombians would access higher education and that, among people between 17 and 21 years old, only 49% could study a professional career.⁸⁴⁵⁸⁴⁶

546. In line with the above, the REDESCA notes with concern the attacks that would have occurred against the university community in the framework of the national strike. Thus, according to information provided by Aula Abierta, in this context acts of stigmatization, violence, repression, threats and harassment against university students would have been reported, in which, as an example, only between April 28 and June 8, 2021, at least four deaths of students, one case of arbitrary detention and, during the development of virtual classes, three episodes of reprisals against him, including acts such as censorship, verbal aggressions and expulsions from classes. Faced with these facts, the Office of the Special Rapporteur on ESCER makes an emphatic call to adopt the necessary measures to guarantee the right to academic freedom in the country, which imply an environment free of violence for the university community, respect for their freedom of expression and the right to peaceful assembly, as well as the investigation and prevention of this type of event. together with the reparation of the victims.⁸⁴⁷

⁸⁴³ FECODE, FECODE and REDESCA Meeting, July 6, 2021; FECODE, CIRCULAR No. 45. PARTICIPATION OF TEACHERS IN THE NATIONAL DAY OF MOBILIZATION ON OCTOBER 20, 2021, 15 October 2021

⁸⁴⁴ FECODE, FECODE and REDESCA Meeting, July 6, 2021; Week Fecode denounces threats from the Black Eagles and stigmatization against its members, August 9, 2021

⁸⁴⁵ Week More than 39,000 students dropped out of university in Colombia during the pandemic, 26 October 2021

⁸⁴⁶ Ibid

⁸⁴⁷ Aula Abierta, EXECUTIVE SUMMARY: VIOLATIONS OF ACADEMIC FREEDOM, PEACEFUL ASSEMBLY AND OTHER HUMAN RIGHTS OF UNIVERSITY STUDENTS IN THE FRAMEWORK OF PROTESTS AGAINST TAX REFORM FROM APRIL 28, 2021, July 2021

G. Human Mobility and ESCER

547. Finally, the REDESCA takes note of the pressure experienced by the Colombian State in the face of the constant and different migratory flows that occur in the country. On the one hand, on the part of migrants from Venezuela – being one of the countries with the largest number of people from that country, with an estimated 1.8 million migrants – and, on the other hand, on the part of people from the Caribbean -mainly Haiti and Cuba-, as well as from Africa and Asia, who would primarily seek to start their journey to North America, exposing himself to supremely difficult conditions when crossing the Darien Gap.⁸⁴⁸⁸⁴⁹
548. In both situations, there are challenges to the guarantee of their human rights, and particularly of their ESCER, although with different particularities. For the first group, some limitations of the Colombian State would be observed to ensure their economic and social incorporation, hand in hand with measures that have tried to regularize their situation – which becomes a vector to access health, work, among other rights. On the other hand, in relation to "extracontinental" migration, a policy would be observed mainly aimed at facilitating the transit of people, including measures such as agreements with Panamanian authorities and other countries aimed at facilitating this transfer, although with the lack of a comprehensive response to the serious vulnerabilities that these people would experience in relation to their ESCER.⁸⁵⁰⁸⁵¹⁸⁵²
549. In this context, the REDESCA recognizes the different measures of the Colombian State towards the migrant population from Venezuela, among which the implementation of the Temporary Protection Statute for Venezuelan Migrants (ETPMV) stands out, which enables access to educational and health services (beyond emergency care) and facilitates entry into the labor market; the recognition of nationality to sons and daughters of Venezuelan parents born in Colombia, access to education for children and emergency medical care.⁸⁵³⁸⁵⁴
550. Even so, the mandate expresses concern that migrant households experience significantly higher poverty rates and approximately 56% of migrants from Venezuela would be in an irregular situation – with the consequent lack of access to health services other than emergencies, lack of authorization to work and de facto barriers to access to education. This is even more aggravating considering that this situation would have been worsened by the pandemic, which would have slowed down the socioeconomic incorporation of thousands of people.⁸⁵⁵⁸⁵⁶

⁸⁴⁸ World Bank [Towards the construction of an equitable society in Colombia](#), October 2021 ; Dejustice, [the Response of the Colombian State to Migration from Venezuela](#), 11 June 2021

⁸⁴⁹ The Spectator, [The \(dis\)Darien Plug: the "other migration"](#), 28 October 2021

⁸⁵⁰ Dejustice, [the Response of the Colombian State to Migration from Venezuela](#), 11 June 2021

⁸⁵¹ Yahoo news, [Colombia calls for regional co-responsibility to address refugee crisis](#), August 11, 2021; The Spectator, [The \(dis\)Darien Plug: the "other migration"](#), 28 October 2021

⁸⁵² The Spectator, [The \(dis\)Darien Plug: the "other migration"](#), 28 October 2021

⁸⁵³ The Spectator, [The \(dis\)Darien Plug: the "other migration"](#), 28 October 2021

⁸⁵⁴ Dejustice, [the Response of the Colombian State to Migration from Venezuela](#), 11 June 2021

⁸⁵⁵ World Bank [Towards the construction of an equitable society in Colombia](#), October 2021 ;

⁸⁵⁶ Dejustice, [the Response of the Colombian State to Migration from Venezuela](#), 11 June 2021

551. Thus, based on a study by the International Organization for Migration on the socioeconomic progression of refugees and migrants from Venezuela in Brazil, Chile, Colombia, Ecuador and Peru -in which more than 70% of the 5.6 million people who left the country since 2015 would have been received-, it was determined that Colombia would be one of the countries where Venezuelans saw their income reduced by more than 50% and where they faced higher unemployment rates. In the case of people who work, they would do so for more hours and for less money than nationals, being exposed to higher levels of informality and conditions of labor exploitation.⁸⁵⁷⁸⁵⁸
552. According to the report, this situation would be related to the fact that, despite the existence of some regularization programs, 40% of Venezuelans in Colombia, as in some of these countries, would not have regular status during the study periods.⁸⁵⁹ Likewise, only 10% of these people reported that their educational and professional credentials had been recognized in the country. For this reason, the REDESCA joins the call to implement long-term integration policies, which allow their effective incorporation into the target societies.⁸⁶⁰ In the same vein, the Office of the Special Rapporteur recalls the IACHR's call to States to include populations in situations of human mobility in the economic recovery policies and actions that are necessary at all times of the crisis generated by the pandemic.⁸⁶¹
553. On the other hand, in relation to extracontinental migration, the REDESCA notes that, in recent years, about 25,000 people would have crossed the border from Colombia to Panama and that, by 2021, these figures would have doubled.⁸⁶² Thus, by August of this year, Panama reported that approximately 55,000 people traveling north had entered its territory, representing 33% of the migration that has entered the country since 2013.⁸⁶³ Such massive flows would have challenged the capacities of states, and as a result, in August 2021, Panama and Colombia set a daily cap of 650 people to cross the border, reducing the limit to 500 per day from September.⁸⁶⁴
554. The repressions generated from this situation would have led to the collapse of the health system in Necoclí in September, as well as a state of greater vulnerability for these people, since their lack of access to basic services and hygiene, challenges to meet their food needs and risks of massive contagion in the face of conglomerations were reported.⁸⁶⁵ This is without yet counting the serious dangers and violations that would have to happen once they began their passage through the

⁸⁵⁷ UN News, [Host countries must start designing long-term integration of Venezuelans](#), 29 July 2021

⁸⁵⁸ Ibid

⁸⁵⁹ Ibid

⁸⁶⁰ IOM & MPI, [Socioeconomic Integration of Venezuelan Migrants and Refugees: The Cases of Brazil, Chile, Colombia, Ecuador, and Peru](#), 29 July 2021

⁸⁶¹ Press Release No. 309/2020, [IACHR Reiterates its Call to States to Guarantee the Human Rights of Venezuelans Returning to Venezuela in the Context of the COVID-19 Pandemic](#)

⁸⁶² DW [The Darien Gap does not stop the growing migratory flow](#), August 12, 2021

⁸⁶³ France24, [Colombia and Panama set at 650 the daily limit of migrants to cross the border between the two](#), August 12, 2021

⁸⁶⁴ France24, [Colombia and Panama set at 650 the daily limit of migrants to cross the border between the two](#), August 12, 2021

⁸⁶⁵ The Colombian, [Crisis in Necoclí: 11,000 people dammed and the hospital on the verge of collapse](#), 10 September 2021; Voice of America, [The health system collapses in Necoclí](#), 13 September 2021

Darien Gap, which, as expressed by Doctors Without Borders, is characterized by being a dangerous path in which migrants experience attacks and aggressions of all kinds at the hands of criminal organizations.⁸⁶⁶⁸⁶⁷

555. Against this background, the REDESCA, in addition to calling on the corresponding authorities to guarantee the safety of migrants, emphasizes the duty of the State to guarantee the ESCER of this population, under an intersectional and differentiated approach, which focused on a human rights approach and based on the principle of equality and non-discrimination, allow their protection, regardless of their immigration status or temporality in the country.

⁸⁶⁶ The Colombian, [Crisis in Necoclí: 11,000 people dammed and the hospital on the verge of collapse](#), 10 September 2021; Voice of America, [The health system collapses in Necoclí](#), 13 September 2021

⁸⁶⁷ Médecins Sans Frontières, [Médecins Sans Frontières denounces the lack of protection and violence suffered by the thousands of migrants who cross the Darien Gap every month, between Colombia and Panama](#), August 10, 2021.

11) COSTA RICA

556. Regarding Costa Rica, the Office of the Special Rapporteur has monitored throughout the year the situation regarding economic, social, cultural, and environmental rights, taking special note of the right to health and the impact of the COVID-19 pandemic, taking into account the measures adopted by the State. Likewise, the particular situation of the climate emergency and the lines of work adopted by the country in relation to the care of the environment have been followed, as well as the impact of business activity on the enjoyment of human rights. In addition to this, the REDESCA has made efforts to monitor the enjoyment of labor and trade union rights in the country, also taking into account the economic and fiscal policies adopted by the State, also adding the follow-up to the situation regarding the enjoyment of the right to education. On the other hand, the mandate has monitored with particular attention the situation of human mobility in the country, paying particular attention to the situation of migrants from Nicaragua. These issues are part of the strategic agenda of REDESCA and will be developed in depth in the following paragraphs.

A. Right to Health and its Social Determinants

557. The REDESCA has been monitoring the implications of the COVID-19 pandemic in the country and its implications on the enjoyment of various human rights. In this regard, the Office of the Special Rapporteur obtained information on the infections that have been observed, the number amounting to 559,698 until the first of November, also registering 7029 deaths to that date.⁸⁶⁸

558. In this context of pandemic, the REDESCA observes the concern expressed by the population of Costa Rica due to the wave of infections that were experienced in April, and according to the Costa Rican epidemiologist Juan José Romero, this situation is mainly for two reasons: the economic situation does not allow measures such as the closures that took place the previous year to be restored and people got tired of complying with health protocols strictly. Faced with this situation, the Office of the Ombudsman of the country has requested the Government and the health authorities to guarantee access to public emergency medical services, as well as to respect the human rights of all inhabitants, without distinction as to race, nationality, religion, gender or age.⁸⁶⁹⁸⁷⁰

559. Given this context of alarming numbers of infections, the REDESCA notes that the Government of Costa Rica announced that night restrictions will be applied to commercial establishments and vehicles as of April 27, due to the accelerated increase in COVID-19 cases and an occupation in intensive care of 94% of the country's capacity.⁸⁷¹

560. Likewise, in the month of May, the Office of the Special Rapporteur deCE had information that there were peaks in terms of the mortality rate, reaching the maximum number of people killed

⁸⁶⁸ Reuters [Covid-19 tracker](#), November 1, 2021

⁸⁶⁹ Confidential [Costa Rica on high alert for covid-19, what is happening with the pandemic in that country?](#), 28 April 2021

⁸⁷⁰ The World, [Ombudsman calls for human dignity to prevail in care for Covid patients](#), April 25, 2021

⁸⁷¹ DW [Costa Rica on the verge of health collapse due to COVID-19](#), 24 April 2021

due to Covid-19, adding to this a health crisis, reaching hospitals at a saturation of 140%. Given this panorama, the director of the Institute of Historical Research of Central America of the University of Costa Rica reinforced that they are going through the greatest crisis of the last 80 or 90 years in the impact on people's lives, on the country's economy and on the deaths that the virus has left.⁸⁷²⁸⁷³

561. In this same sense, the REDESCA notes that, in the month of September, after a month of sustained growth in cases and deaths from covid-19, Costa Rica is going through a peak of infections with numbers similar to those of the peak of the pandemic, this despite an important advance in the vaccination process.⁸⁷⁴ Regarding the mortality rate, the REDESCA notes that the Vice Minister of Health of Costa Rica reported that the country registered in the week of September 29 to October 2 the highest number of deaths associated with COVID-19, although cases continue to decline in recent days.⁸⁷⁵

562. Regarding the measures taken by Costa Rica in the face of the pandemic, the REDESCA notes that on December 23, 2020, the first batch of vaccines against COVID-19 arrived, starting the inoculation process for workers in the health sector and older adults, and together with the arrival of this first batch, a vaccination campaign was announced that, although it would not be massive, it would be sustained throughout 2021. Thus, in the week of January 13, the beginning of immunization was reported to elderly people in peripheral areas of the country; date by which the country would have already received 3 batches of vaccines and the arrival of a fourth would be expected in the course of the week. In this sense, on January 13, the country received its first batch through the COVAX mechanism, composed of 43,200 doses of the AstraZeneca vaccine. The agreement between Costa Rica and WHO will provide the country with 2,037,600 doses to immunize more than one million inhabitants and thus cover 20% of the population.⁸⁷⁶⁸⁷⁷⁸⁷⁸

563. On the other hand, the REDESCA notes that on April 7, 2021, the Office of the Ombudsman made a call to the State authorities to advance in the vaccination process against COVID-19, recognizing that, although Costa Rica has made important efforts for the general attention of the pandemic, the State owes special protection to older adults, people with disabilities and people at risk of health; which are among the priority vaccination groups.⁸⁷⁹

564. In this sense, the REDESCA notes that, with the aim of reducing deaths and hospitalizations, since September 1 the authorities began a plan to accelerate second doses that consists of reducing to 8 weeks the space between the first and second vaccine for people between 30 and 57 years old, which was previously 12 weeks. In this regard, the Office of the Special Rapporteur observes that

⁸⁷² The Country, [Covid-19 pushes Costa Rica into a state of emergency it did not know about](#), May 25, 2021

⁸⁷³ Ibid

⁸⁷⁴ EFE Agency, [Costa Rica goes through a new peak of COVID-19 infections despite vaccination](#), 4 September 2021

⁸⁷⁵ DW [Costa Rica records the deadliest week of the pandemic](#), 6 October 2021

⁸⁷⁶ Ministry of Health Costa Rica, [First batch of COVID-19 vaccines arrived in the country](#), December 23, 2020

⁸⁷⁷ France 24, [Covid-19 vaccine reaches peripheral areas of Costa Rica](#), 13 January 2021

⁸⁷⁸ Delfino, [Costa Rica received on Wednesday the first 43,200 doses of the vaccine by the COVAX mechanism](#), April 7, 2021

⁸⁷⁹ The Republic, [Ombudsman's Office: Costa Rica must accelerate vaccination process against Covid-19](#), April 7, 2021

the government of Costa Rica made it mandatory for public officials to vaccinate against COVID-19, being the first Central American country to impose mandatory vaccination. Likewise, the REDESCA notes that on October 25, Costa Rica officially began vaccination against COVID-19 in the population aged 12 to 17 years, with which, the country is covering all age groups that are currently considered eligible to receive the vaccine. As for the vaccinated population in the country, the REDESCA observes that, as of November 1, 2021, Costa Rica had administered 6,567,309 doses, with 2,798,296 fully vaccinated, representing 54.57% of the population.⁸⁸⁰⁸⁸¹⁸⁸²⁸⁸³

565. The REDESCA recalls what was expressed in Resolution 1/2021 on vaccines against COVID-19 within the framework of inter-American human rights obligations, where it is stated that it is imperative to ensure that all persons under the jurisdiction of the States can physically access vaccines. To this end, States must have the means to strengthen the necessary infrastructure and logistics, including transportation, facilities and storage for the distribution of vaccines throughout their territory.⁸⁸⁴

566. On the other hand, the Office of the Special Rapporteur notes with concern that in the context of the pandemic, one of the elements that has been left behind was the issue of mental health. In this regard, the REDESCA notes that, according to FLACSO research prepared with the support of the mandate, mental health is an aspect that in the country is addressed from the local level and not at the national level, thus reducing the attention capacity in this matter. At the same time, the REDESCA also notes with concern that in the context of the pandemic the health system reduced its capacity to attend to other issues such as chronic diseases that could not access its services.⁸⁸⁵

567. In this regard, the REDESCA emphasizes that the pandemic has brought in populations in situations of vulnerability, the Office of the Special Rapporteur ESCER observes with concern what was mentioned by the director of the Pan American Health Organization, who affirmed that COVID-19 has strongly impacted the mental and physical health of children and adolescents in the Americas, and urged countries to take specific measures to protect them. She also mentioned that children and adolescents are also missing their annual health check-ups and routine vaccinations due to widespread disruptions of health services.⁸⁸⁶⁸⁸⁷

568. Regarding other measures adopted by the government of Costa Rica with respect to the impact generated by the COVID-19 pandemic, the REDESCA notes that the Government supported in April

⁸⁸⁰ EFE Agency, [Costa Rica goes through a new peak of COVID-19 infections despite vaccination](#), 4 September 2021

⁸⁸¹ DW [Mandatory vaccination in Costa Rica](#), 15 October 2021

⁸⁸² PAHO [COVID-19 vaccination officially begins for young people between 12 and 17 years old in Costa Rica](#), 25 October 2021

⁸⁸³ **Expansion COVID-19 - Vaccines administered, November 1, 2021**

⁸⁸⁴ IACHR – REDESCA, [Resolution 1/2021 on COVID-19 vaccines within the framework of inter-American human rights obligations](#), April 6, 2021

⁸⁸⁵ FLACSO, The COVID-19 pandemic: the right to health in tension. A qualitative exploratory study in Chile, Colombia, Costa Rica and Mexico. Presented to REDESCA on October 11, 2021

⁸⁸⁶ PAHO [Children and adolescents are deeply affected by the COVID-19 pandemic, says PAHO Director](#), 15 September 2021

⁸⁸⁷ Ibid

the call to elaborate an international treaty focused on pandemic preparedness and response, in follow-up to efforts to prevent crises such as that generated by COVID-19. In this way, Costa Rica joins this initiative that seeks to promote collaboration to prevent the temptation of isolation, nationalism and overcome the challenges of health crises with a spirit of solidarity and cooperation, highlights the Foreign Ministry.⁸⁸⁸

569. Regarding other aspects related to the enjoyment of the right to health, the REDESCA has observed that, in February 2021, the country's trans community denounced the threat of cancellation of aid provided by the Ombudsman's Office. In this regard, the REDESCA notes that, for various reasons, including budgetary reasons, the agency announced that it would no longer participate in the Country Project "Costa Rica, a sustainable model of combined prevention and care for the population of men who have sex with men and Trans Women", which is carried out in conjunction with the organization HIVOS, aiming to support the HIV-positive population in Costa Rica. However, the REDESCA notes that, according to HIVOS, the material reason does not constitute sufficient reason to abandon the project, since there is financial support for it from the Global Fund, which should be allocated so that the Ombudsman's Office can continue to fulfill its role and obligations.⁸⁸⁹⁸⁹⁰⁸⁹¹

570. Faced with this situation, the REDESCA observes that, for its part, the Ministry of Health of Costa Rica has also described the decision of the Ombudsman's Office as regrettable, considering the violations of rights, at the individual and structural level, that people living with HIV still face. Different groups have denounced the action, such as Transvida and the Positive People Foundation, an organization that also released its statement to REDESCA. For its part, the Office of the Special Rapporteur notes that the legal department of the Office of the Ombudsman has expressed the legal and legal disadvantages involved in the participation of that institution in terms of active administration, since the nature of the intervention of the Ombudsman's Office has a special connotation, since it does not replace the material actions or omissions of the institutions that make up the Public Administration.⁸⁹²⁸⁹³

571. Along the same lines, the REDESCA notes that the organization Transvida also denounced in February that the Costa Rican Social Security Fund cut off the supply of condoms and lubricants to at-risk populations, such as sex workers and trans women, months ago. Also related to the enjoyment of the right to health, the REDESCA notes that in the framework of World Food Day that is celebrated on October 16, the United Nations through its specialized agencies called on society

⁸⁸⁸ The country, [Costa Rica Backs Treaty in Response to Pandemics](#), April 5, 2021

⁸⁸⁹ Delfino, [Trans population: "It seems that the state is holding on to the pandemic to abandon us"](#), 22 February 2021

⁸⁹⁰ Ibid

⁸⁹¹ Delfino, [The Ombudsman defends itself after leaving the HIV project: Health points out that decision is regrettable](#), 23 February 2021

⁸⁹² Delfino, [Trans population: "It seems that the state is holding on to the pandemic to abandon us"](#), February 22, 2021.

⁸⁹³ Delfino, [The Ombudsman's Office defends itself after leaving the HIV project: Health says decision is "regrettable"](#), 23 February 2021

to develop and support initiatives aimed at improving the eating habits of the population and facilitating informed decision-making by consumers.⁸⁹⁴

572. Likewise, the REDESCA takes note of what was mentioned by the UNICEF representative in Costa Rica, who indicated that malnutrition and inadequate nutrition affect many children and adolescents, generating two extreme situations: obesity and overweight or malnutrition in children from indigenous and highly vulnerable communities, and that, if progress is to be made in achieving the Sustainable Development Goals related to poverty, zero hunger and health and well-being must redouble efforts to guarantee families the information and conditions necessary for them to consume healthy and adequate food to achieve the integral development of childhood and adolescence.⁸⁹⁶

B. Climate Emergency and Human Right to Water

573. Regarding the climate emergency and the Human Right to Water, the REDESCA has followed the measures taken by the government of Costa Rica. In this regard, the Office of the Special Rapporteur ESCER takes note of the launch of the first fund in Latin America, aimed at financing the long-term conservation of the 30x30 goals, which are promoted by the High Ambition Coalition for Nature and People, an intergovernmental group chaired by France and Costa Rica. The fund, known as "Azul por Siempre" has been endowed with 3.5 million dollars, and aims to meet and maintain the protection of 30% of Costa Rica's land and marine extension, by 2030.⁸⁹⁷

574. In this regard, the Office of the Special Rapporteur observes that the 30x30 initiative has been widely questioned by civil society organizations, who have warned about the risks of the increase in global protected areas, especially due to their potential displacement of indigenous peoples. Thus, it has been estimated that the initiative may mean the displacement of up to 300 million people, being that the definition of protected area implies that within it there can be no human activity, without making a distinction between subsistence and exploitation activities.⁸⁹⁸

575. Along the same lines, the REDESCA notes that, by March 2021, the Costa Rican government and the International Atomic Energy Agency (IAEA) agreed to evaluate their possibilities for cooperation for the protection of the oceans, within the framework of the agenda promoted by the Coalition. Bearing in mind the importance of caring for the oceans, the REDESCA notes that the government of Costa Rica and the International Atomic Energy Agency (IAEA) explored on March 24 in Vienna, the possibility of exchanging information and good practices on possibilities of cooperation for the protection of the oceans. In this regard, both sides agreed to evaluate their possibilities for cooperation within the framework of the regional initiative known as the Regional Cooperation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (Arcal). They also mentioned that it continues to explore political spaces in the

⁸⁹⁴ The world, [Transvida denounces that CCSS cut off supply of condoms and lubricants to at-risk population](#), 17 February 2021

⁸⁹⁵ PAHO [UN calls on Costa Rica to promote actions to improve the eating habits of its inhabitants](#), October 22, 2021

⁸⁹⁶ Ibid

⁸⁹⁷ DW [Protected areas: a threat to Latin America?](#), 25 January 2021

⁸⁹⁸ Ibid

- region to position the work in progress, in particular, those of the Coastal Marine Research Network, in which the University of Costa Rica participates.⁸⁹⁹⁹⁰⁰
576. With regard to the carbon footprint, the REDESCA highlights the initiative to plant approximately 3 thousand trees in the tropical dry forest of Punta Morales, Costa de Pájaros and the Gulf of Nicoya, as part of an alliance of the foundation with the company Sailcargo, with the aim of offsetting the carbon footprint generated by the construction of the Cargo Sailboat Ceiba, the first of its kind electric made in the country and owned by Sailcargo.⁹⁰¹
577. Regarding the care of the environment, the REDESCA observes that on April 19, the UN expressed itself on the fundamental contributions made in this regard by indigenous peoples, specifically mentioning the case of Costa Rica, highlighting the contributions that these groups make both in what is the economy, culture and social development, also calling on the State and Costa Rican Civil Society to ensure that in the exercise of their rights, indigenous peoples are free from all forms of discrimination. In addition, the UN stressed the need for respect, protection and guarantee of the right of indigenous peoples to own, use and manage their lands, territories and resources, emphasizing its concern about the recent violence against indigenous people, in the indigenous territories of China Kichá, Térraba, Salitre, and more recently in Cabagra, warning the State that it is its obligation to adopt urgent measures to protect threatened individuals and communities, as well as promoting the necessary actions to comply with its obligations to investigate, prosecute and punish the people responsible for the murders of Sergio Rojas and Jerhy Rivera.⁹⁰²⁹⁰³
578. In this same sense, the REDESCA welcomes the alliance between the United Nations Development Program together with the municipality of Alajuelita in Costa Rica, as well as with 4 other metropolitan cantons and with the Ministry of Environment and Energy to promote the Productive Landscapes Project in order to promote the conservation of biodiversity, sustainable land management, improved biological connectivity and carbon sequestration. This project tries to make Alajuelita and the other participating cantons prioritize the protection of its flora and fauna in order to "return to life" the María Aguilar Interurban Biological Corridor, a space that through the María Aguilar River basin runs more than 104 kilometers in the center of the country.⁹⁰⁴
579. In relation to access to justice regarding environmental matters, the REDESCA notes that a few days after the entry into force of the Escazú Agreement, which protects access to information, public participation and justice in environmental matters in Latin America, Costa Rica has not yet ratified it, despite the fact that the agreement was signed three years ago and since then Costa Rica has encouraged other Latin American nations to sign it. The Office of the Special Rapporteur calls

⁸⁹⁹ The Country, [Costa Rica and IAEA Explore Collaboration to Protect Oceans](#), March 24, 2021

⁹⁰⁰ Ibid

⁹⁰¹ The Republic, [First electric sailboat built in Costa Rica will offset its carbon footprint with 3,000 trees](#), April 11, 2021

⁹⁰² Delfino, [UN: Costa Rica must prioritize indigenous peoples' right to own, use and manage their lands](#), April 19, 2021

⁹⁰³ Ibid

⁹⁰⁴ UN [Greening cities in Costa Rica, a way of working after COVID-19](#), 9 September 2021

on Costa Rica to ratify the Agreement adopted in Escazú, in line with its commitment to environmental protection.⁹⁰⁵

580. While the REDESCA recognizes the efforts made by the State of Costa Rica, as well as its commitment to the protection of the environment, it recalls the call made to the American States in conjunction with the IACHR to urgently strengthen their environmental public policies in the face of the climate emergency, reiterating its commitment and willingness to contribute in everything within its reach with such efforts.⁹⁰⁶

C. Business and Human Rights

581. As for the impact that business activities can have on human rights, the REDESCA expresses its concern at publicly available information showing that consumer goods giants would be collaborating with cement companies to burn their plastic waste instead of reducing their production and consumption, revealing that these projects are spread all over the world, impacting communities in places like Costa Rica.⁹⁰⁷

582. Faced with this situation, the REDESCA recalls that the close relationship between human rights, sustainable development and the environment, whose interaction covers innumerable facets and scopes; therefore, not only States, when exercising their regulatory, supervisory and judicial functions, but also companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations.⁹⁰⁸

583. On the other hand, the REDESCA takes note of the investigation carried out by the Judicial Investigation Agency, which through a simultaneous operation where 57 raids were carried out on public institutions and private companies in the framework of an investigation for fraud and corruption. According to the public entity, it would be a scheme where public officials would have been bribed with money, perks and other favors in exchange for the granting of contracts for road infrastructure.⁹⁰⁹

584. In view of the above, REDESCA encourages Costa Rica to continue with its sustainable infrastructure policies and other commercial initiatives in order to seek new development models. Similarly, the mandate takes into account the investigations carried out by the competent bodies in order to verify the situation of possible acts of corruption associated with private companies and public officials. The REDESCA welcomes these actions undertaken by the State and encourages their rapid resolution observing all the guarantees of due process in it.

⁹⁰⁵ The Republic, [Costa Rica close to being left out of the environmental treaty it promoted](#), 12 April 2021

⁹⁰⁶ IACHR, [On Earth Day, IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency](#), April 22, 2021

⁹⁰⁷ Greenpeace, [Instead of reducing Nestlé wants to burn its plastic garbage](#), November 10, 2021

⁹⁰⁸ REDESCA, [Business and Human Rights Report, Inter-American Standards](#), Opus Cit.

⁹⁰⁹ QCostaRica, [Bribed with cars, sexual favors and money in exchange for road works contracts](#), June 15, 2021

585. In addition, the Office of the Special Rapporteur urges the State to take into consideration the recommendations of the Report on Business and Human Rights: Inter-American Standards, in order to specify actions to mitigate corruption from a rights-based perspective. To that extent, the REDESCA also urges the State to implement the recommendations of this report, making itself available to contribute to state efforts in this regard.

D. Labor and Trade Union Rights

586. With regard to labor and trade union rights, the REDESCA notes that, in the context of the legislative debates on the proposed reform of the Framework Law on Public Employment of Costa Rica, the possibility has been included that public employees may refuse to participate in compulsory training and training programmes, for conscientious objections related to religious, ethical or moral beliefs. The proposal was questioned by one of the 9 deputies of the Government and Administration Commission, for its potential contradiction with human rights and, specifically, with the rights of LGTBI people.⁹¹⁰

587. With regard to the enjoyment of these rights by women, the REDESCA highlights that, at the beginning of March 2021, the Minister for the Status of Women and President of the National Institute for Women (INAMU) announced that Costa Rica would have joined the International Coalition for Equal Pay, an initiative led by the ILO. UN Women and the Organization for Economic Co-operation and Development (OECD). In this sense, the REDESCA observes that being part of this coalition implies for Costa Rica to implement legal measures such as equal pay or wage transparency laws, as well as recognitions or seals to companies and action plans at different levels, including private companies.⁹¹¹

588. Turning to the unemployment rate, the REDESCA expresses its concern since Costa Rica reached 17.3% in the quarter comprised February, March and April 2021, this being the highest figure by 1.6 percentage points compared to the same quarter of 2020, as reported by the National Institute of Statistics and Censuses (INEC). The Institute stated that women have a higher unemployment rate (23.8%) than men (12.9%), which has been a consequence of market restriction measures and the situation caused by the COVID-19 health emergency. The Office of the Special Rapporteur observes that, in total, the unemployed population of Costa Rica, according to the aforementioned survey, was 422,000 people, with an increase of 43,000 people compared to the same mobile quarter of the previous year.⁹¹²

589. Considering the above, the REDESCA welcomes the initiatives that the government is carrying out to seek to shorten the existing wage gap between men and women in the country. In this regard, it encourages the State to continue with these efforts and also to encourage the inclusion of other minorities historically discriminated against in plans to increase employment. To this end, the Office of the Special Rapporteur invites the State to take into special consideration the recommendations contained in the thematic reports on Trans and Gender Diverse Persons and

⁹¹⁰ Amelia Rueda, [Public Employees May Refuse to Participate in Trainings Because of Their Religious Convictions](#), 27 January 2021

⁹¹¹ The World, [Costa Rica joins the International Coalition for Equal Pay](#), March 5, 2021.

⁹¹² Swissinfo, [Unemployment in Costa Rica reaches 17.3% as of April 2021](#), June 3, 2021

their ESCERs, such as those on ESCER for people of African descent. The REDESCA also makes itself available to the State to implement such recommendations.⁹¹³⁹¹⁴

590. On the other hand, in June 2021 the REDESCA received information from Aula Abierta Latinoamérica regarding the presentation of a draft Public Employment Law by the Government of Costa Rica, which on June 17, 2021, was approved, with 32 votes in favor and 15 against, in its first debate. According to the information received, the draft Framework Law on Public Employment imposes on the country's public institutions, including state universities, a single global salary, to the detriment of the labor rights of academic staff of universities. Faced with the approval, in its first debate, of the Public Employment Law, public workers' unions organized protests around the Legislative Assembly building. Faced with this, the REDESCA notes that on June 17, 2021, at least 15 deputies signed a constitutional consultation to the draft Framework Law on Public Employment, expressing their concern that the approval, in its first debate, of the draft Public Employment Law entails a case of threat to the autonomy of Costa Rican universities. In this regard, the Office of the Special Rapporteur notes that Costa Rica will have to correct the bill after the Constitutional Chamber will declare several articles unconstitutional.⁹¹⁵

E. Fiscal and Economic Policies

591. Regarding various Fiscal and Economic Policies that have been implemented in Costa Rica for the progressive development of ESCER, the Office of the Special Rapporteur notes that on February 15, 2021, members of various trade union and social groups held a demonstration in front of the headquarters of the Central Bank of Costa Rica, to demand that reliable data be presented regarding the public debt, repudiating the Costa Rican government's negotiation with the IMF.⁹¹⁶

592. On the other hand, the REDESCA notes that, in March 2021, the Office of the Ombudsman ended the contract it had with Legal Offices of the University of Costa Rica, through which free legal representation was granted to citizens with economic difficulties, mainly in matters related to domestic violence and collections. According to information received by REDESCA, this decision was taken due to the annual cost involved in this program (13,000 colones). However, despite this, the defender of the Inhabitants said that an Agreement will be signed with the Bar Association, so that this institution provides the service free of charge.⁹¹⁷

593. On the other hand, the REDESCA expresses its concern after what was announced by the Ministry of Finance when it presented on September 1 before the Legislative Assembly the last draft of the budget law of the year 2022, reporting the impact on the Ministry of Public Education due to the cut of 300 million colones.⁹¹⁸

⁹¹³ IACHR, Report on Trans and Gender Diverse Persons and their Economic, Social, Cultural, and Environmental Rights, OEA/Ser.L/V/II. Doc. 239, 7 August 2020

⁹¹⁴ IACHR, Report on The Economic, Social, Cultural, and Environmental Rights of Persons of African Descent, OEA/Ser.L/V/II, Doc. 109, March 16, 2021

⁹¹⁵ **The Economist, [Costa Rica to correct public employment bill, August 2, 2021](#)**

⁹¹⁶ The Country, [Protesters in Costa Rica demand answers to their demands](#), February 15, 2021.

⁹¹⁷ The Observer, [Ombudsman's Office terminates contract with UCR entity for free legal assistance of citizens](#), 6 March 2021

⁹¹⁸ University Weekly, [Proposed €300 Billion Cuts in Education Will Affect Essential Services](#), 8 September 2021

594. With regard to economic investment in policies associated with health, the REDESCA observes that the Pan American Health Organization (PAHO) and the Economic Commission for Latin America and the Caribbean (ECLAC) expressed in a report the need for public spending on health in Latin America to advance in the economic recovery from the crisis caused by Covid-19, establishing that the pandemic revealed the interdependence that exists between the health and economic dimensions, and showed that it is imperative for the region to increase public spending on health to ensure a sustainable rebound.⁹¹⁹
595. Likewise, the REDESCA notes the implementation of a series of income and expenditure measures to protect workers, as well as companies from the impacts that the COVID-19 pandemic has implied. In this sense, it is observed that the government implemented a 3-month moratorium without interest on the payment of value-added taxes, taxes on the income of companies and customs. In addition, it imposed a temporary adjustment of social security contributions making them proportional to the time worked over a period of 6 months and a postponement of the deployment of VAT on construction and tourism services.⁹²⁰
596. With regard to policies related especially to the effective enjoyment of economic rights by women, the REDESCA takes note of the creation of the High-Level Commission for the Equal Participation of Women in the Country's Economic Processes with the aim of institutionally and intersectoral articulating dialogue and the establishment of public-private agreements, as well as the formulation and implementation of policies, actions, strategies and government programs aimed at promoting the equal participation of women in productive processes, to generate inclusive economic growth, gender equity and the eradication of economic poverty.⁹²¹

F. Education, science, technology: academic freedom and university autonomy

597. With regard to the Right to Education, the REDESCA has monitored the situation regarding the enjoyment of the respective right in Costa Rica, highlighting that by February 1, the Ministry of Education of Costa Rica would have prepared several manuals for the safe development of the 2021 school year, so that students can return to classes in a system that would combine face-to-face attendance at educational centers and distance education; the latter would be, both virtual, and with didactic materials for those who do not have connectivity. In this sense, the REDESCA notes that, in the month of February, in a gradual and staggered manner according to the aforementioned guidelines of the Ministry of Public Education, one million students would return to the classrooms.^{922,923}
598. In this context, the Office of the Special Rapporteur on ESCER highlights the efforts made by the Government of Costa Rica in relation to education, for example, on February 27 it was announced that half of the school packages would have been delivered to educational centers, in order to distribute them to children, and with the aim of ensuring their permanence in the classrooms.

⁹¹⁹ DW [PAHO and ECLAC urge AL to spend more on health for the economy](#), 15 October 2021

⁹²⁰ MFI, [POLICY RESPONSES TO COVID-19](#), July 2, 2021

⁹²¹ The World, [Costa Rica joins the International Coalition for Equal Pay](#), March 5, 2021.

⁹²² The Country, [MEP ready for safe development of school year 2021 in Costa Rica](#), 1 February 2021; See MEP [Manual for the safe and responsible return to schools in 2021](#), January 2021.

⁹²³ Delfino, [The labyrinth of back-to-school](#), 4 February 2021

According to newspaper reports, there would be 99,500 school packages in 1,488 educational centers located in urban communities in greater vulnerability, indigenous and other centers of lower social development throughout the country.⁹²⁴

599. In addition to the above measures, the REDESCA notes that, at the beginning of March, the establishment of the Connected Communities program was announced, which will work for the connectivity of 36,000 people in 14 indigenous territories, specifically providing broadband services and fixed and mobile telephony. The REDESCA notes that 56 communities will benefit, and telecommunications services will be available in 87 educational centers, as well as in 32 health facilities. Along the same lines, the Office of the Special Rapporteur notes that the Bicentennial Educational Network set itself the goal of having all the country's educational centers connected by 2024. This goal was partially incorporated in December 2020 after the Office of the Comptroller General of the Republic, in a February 2020 audit report, indicated that the National Telecommunications Development Plan 2015-2021 was ignorant of the educational situation.⁹²⁵⁹²⁶
600. In this regard, the REDESCA recalls the recommendation provided by the IACHR and the REDESCA to the States in relation to connectivity and the right to education. In this regard, it is recommended that States ensure that children and adolescents access online education without exclusions, through support systems, communication strategies and accessible content. Specific measures should be provided for persons with disabilities, indigenous children, Afro-descendants, those in situations of poverty, among other groups in vulnerable situations.⁹²⁷
601. Despite the progress expressed, in April of this year the REDESCA received information from Aula Abierta Latinoamérica regarding the fact that the University of Costa Rica would not maintain the increases granted to scholarship students during the COVID-19 pandemic, which consists of the suspension of a connectivity subsidy granted by the university, since August 2020, students to pursue their virtual studies due to the COVID-19 pandemic, in addition to the temporary increase of 30% for food and 15% of complementary benefit for career expenses, which allows students to afford certain academic tools aimed at optimizing their training process. The REDESCA expresses its concern about this fact since according to the information received, the socioeconomic scholarship system of the UCR allows the permanence of more than half of the student population in higher education. Faced with this situation, on April 19, 2021, students from different parts of the country demonstrated in several UCR headquarters, in defense of the scholarship benefits that had been granted to thousands of students.
602. Faced with these facts, the REDESCA calls on the State to adopt the necessary measures to guarantee access to education, recalling the principles of progressivity and non-regressiveness in the matter to achieve quality education with access without any discrimination.

⁹²⁴ The Country, [Half of school packages are already in schools](#), 27 February 2021.

⁹²⁵ The World, [Indigenous territories will have telephony and internet](#), 7 March 2021

⁹²⁶ Delfino, [Government sets 2024 to connect to the Internet to all schools in the country](#), 27 February 2021

⁹²⁷ SACROI COVID19 IACHR, [SACROI COVID-19 Practical Guides How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic?](#), December 16, 2020

603. Finally, the REDESCA highlights that Costa Rica has been considered internationally as a destination in globalized environmental education, as evidenced by several publications of international students who carry out their studies in the forests, beaches and volcanoes of the country. According to a study conducted by the National University, this fact occurs due to the abundance of habitats, experts, libraries, laboratories, other facilities and decades of great sociopolitical stability, make Costa Rica an ideal experimental station for those interested in learning about the biodiverse tropical ecosystems.⁹²⁸

G. Human Mobility and ESCER

604. With regard to human mobility and its impact on ESCER, the Office of the Special Rapporteur notes that, according to newspaper reports, by the end of January, 52,000 of 64,256 migrants from Nicaragua in Costa Rica would have their provisional refugee card expired, with revalidation appointments scheduled within six months. This situation would cause different challenges for refugees, such as the lack of attention in banks or remittance houses, the difficulty of accessing jobs, or the completion of procedures such as the correct birth registration of their children.⁹²⁹

605. Additionally, the REDESCA observes that asylum seekers who come from Nicaragua, in addition to being concerned about maintaining a regular migratory status, are concerned about not being able to access health services in the context of the pandemic if they do not get formal employment and the means to be able to pay for them. Another concern is access to vaccines against the coronavirus, being that they are in circumstances of greater vulnerability, with informal jobs and constant contact with different people.⁹³⁰ The REDESCA calls for special consideration of the situation of those Nicaraguan students and professionals in the health sector who have had to leave their country in the context of the political and social crisis, without counting on the cooperation of the State of Nicaragua to obtain their degrees and academic records.

606. Faced with this situation, the REDESCA recalls that in accordance with Resolution 1/2021 of the IACHR, universal and equitable access to available vaccines without discrimination constitutes an obligation of immediate compliance by States, also with regard to the distribution of vaccines States must refrain from discriminatory treatment, through the removal of regulatory obstacles, regulatory or of any kind that could promote this practice.⁹³¹

607. With regard to the migratory situation of persons who come from Nicaragua, the Office of the Special Rapporteur on ESCER highlights and welcomes the fact that the Costa Rican Social Security Fund and UNHCR signed an agreement in February in which it was established that the number of Nicaraguans seeking refuge and refugees in Costa Rica, who will be able to count on medical

⁹²⁸ Newspaper Message, [Costa Rica is an example of environmental education before the world](#), 26 January 2021

⁹²⁹ Confidential [Legal and Migratory Obstacles Overwhelm 52,000 Asylum Seekers in Costa Rica](#), 31 January 2021

⁹³⁰ Confidential [Legal and Migratory Obstacles Overwhelm 52,000 Asylum Seekers in Costa Rica](#), 31 January 2021

⁹³¹ IACHR – REDESCA, [Resolution 1/2021 on VACCINES AGAINST COVID-19 within the framework of inter-American human rights obligations](#), April 6, 2021

insurance, will be expanded. The insurance will go from benefiting 6,000 people in Nicaragua, to 10,000, and will be valid for nine months.⁹³²

608. With regard to the border with Panama, the REDESCA takes note of the agreement between the government of that country together with that of Costa Rica to allow the controlled passage of migrants through its border point, although in the last months of August and September the authorities of both countries have been overwhelmed due to the greater flow of migrants recorded.⁹³³

609. Given all the situations raised, the REDESCA observes what was expressed by Spain and the European Union (EU), who highlighted on February 15, 2021 the regional role played by Costa Rica in the reception of migrants and respect for their human rights, as well as the importance of international cooperation to carry out this task and make visible the situation in Central America.⁹³⁴

610. REDESCA notes that the UN Refugee Agency (UNHCR) and the United Nations Development Programme (UNDP) presented an instrument to support local authorities in a number of Caribbean countries, including Costa Rica, to include a displacement and human mobility approach in the planning of municipal development programmes. In this sense, economic, political, social and environmental factors in the region have influenced the increase in chronic violence and insecurity that has forced a growing number of people in Central America and Mexico to leave their homes, with more than one million internally displaced persons and asylum seekers and refugees. The REDESCA closely follows this situation from the point of view of the mandate, being at a special disposal to contribute to the efforts of Costa Rica and other Central American States in addressing the underlying causes of human mobility regarding the right to development and ESCERs, as well as the guarantee without discrimination of populations in human mobility.⁹³⁵

⁹³² Confidential [UNHCR provides health insurance to 10.000 Nicas asylum seekers in Costa Rica](#), 11 February 2021

⁹³³ The San Diego Union Tribune, [Panama, Costa Rica and the Dominican Republic to address migration](#), October 19, 2021

⁹³⁴ DW [Spain and EU highlight Costa Rica's role in migration issues](#), 16 February 2021

⁹³⁵ United Nations [UNHCR and UNDP present toolbox to address the challenges of forced displacement in Central America and Mexico](#), 27 October 2021

12) CUBA

611. Through its various mechanisms, the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights has constantly monitored the human rights situation in Cuba. This is under the mandate granted by the Charter of the Organization of American States and the American Declaration on the Rights and Duties of Man. The following are the most relevant situations identified in relation to the main strategic lines of the mandate, that is, the right to health and its social determinants, climate emergency and the human right to water, business and human rights, the right to education, labor and trade union rights, fiscal and economic policies, as well as human mobility and its effects on ESCERs.

A. Right to Health and its social determinants

612. The REDESCA has been monitoring with special concern the challenges to the guarantee of the right to health in Cuba, and in particular, has closely followed the reports of infections and deaths due to Covid-19 in 2021, as well as on the different obstacles to the implementation of a national vaccination plan against Covid-19 to ensure quickly and efficiently universal access to vaccines for all people under the world. the jurisdiction of the State.

613. According to the Ministry of Public Health of Cuba, at the close of October 28, 2021, there are 950,613 confirmed cases of COVID-19 and a total of 8,223 people killed in the country. Despite these data, the REDESCA notes that civil society organizations have denounced the opacity of information, underreporting and an alleged political management behind the figures. In this regard, based on the provisions of Resolution 1/2020 of the IACHR, the REDESCA urges the State to establish a transparent strategy that accurately provides the relevant data on the pandemic and vaccination.⁹³⁶⁹³⁷⁹³⁸

614. On the other hand, in this context of the health emergency, the Office of the Special Rapporteur has taken note that the country, in the month of July and August 2021, has experienced one of the highest rates of COVID-19 infections and hospitalizations in the Caribbean, despite scientific advances in vaccine development. Likewise, the IACHR and the REDESCA express their concern about the abundant information on the limitations in the provision of health services, the insufficiency of beds or ambulances to treat infected people, the collapse of hospitals on the island, the shortage of essential medicines, syringes, oxygen and other supplies, along with the difficulties

⁹³⁶ Ministry of Public Health of Cuba, Coronavirus in Cuba, October 29, 2021

⁹³⁷ Race and equality, Inputs for the Integrated Network of Civil Society Organizations of Cuba regarding the Situation of Health Rights in Cuba, September 01, 2021; IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on the right to health and access to Covid-19 vaccines, 1 September 2021

⁹³⁸ IACHR, Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations, April 6, 2021

- in accessing treatments for other diseases and pathologies in the context of the pandemic.⁹³⁹⁹⁴⁰⁹⁴¹⁹⁴²⁹⁴³
615. Regarding the shortage of essential medicines, according to information collected, 8 out of 10 Cuban people could not get medicines in pharmacies due to their shortage and 20% indicate having taken expired medicines. Likewise, the REDESCA remains concerned about the fact that ⁹⁴⁴people have to go to the informal market to access medicines or basic necessities, as well as the government's indication to use medicinal plants to supply the shortage of medicines at the community and hospital level.⁹⁴⁵⁹⁴⁶
616. In this regard, the Office of the Special Rapporteur reiterates that, within the obligations of the States, it is necessary to ensure compliance with several elements in the area of health, such as availability, accessibility, acceptability, and quality, specifying that the element of accessibility includes economic accessibility (affordability) to medicines and essential products.⁹⁴⁷
617. On the other hand, the REDESCA has been informed of a critical situation in the obituary services as a result of deaths from Covid-19, along with the existence of mass graves, the lack of funeral vehicles to transport coffins to cemeteries, the collapse of morgues and problems to manufacture enough sarcophagi. In this regard, it is reiterated that, in accordance with Resolution 4/2021 of the IACHR, the relatives of the victims who died during the COVID-19 pandemic must be able to grieve and perform their mortuary rites, in accordance with their own traditions and worldview. For this reason, the REDESCA calls on the State, as previously established by the IACHR, to take measures to avoid unjustified or unreasonable delays in the delivery of mortal remains and to refrain from burial in general mass graves.⁹⁴⁸⁹⁴⁹⁹⁵⁰
618. On vaccination against COVID-19, the REDESCA notes that, since the beginning of the pandemic, the Cuban government has been dedicated to the research and production of vaccines, instead of relying on international support in this area. Although it is a great achievement for the country, this decision resulted in a delay in the start of the vaccination process and a situation of collapse in health services, as mentioned. At the end of March 2021, the State began phase 3 trials of the

⁹³⁹ Radio Television Martí, PAHO, [Cuba reports the highest number of cases in the Caribbean](#), July 7, 2021

PAHOTV, [PAHO Press Conference](#), July 7, 2021

⁹⁴⁰ Race and equality, Inputs for the Integrated Network of Civil Society Organizations of Cuba regarding the Situation of Health Rights in Cuba, September 01, 2021

⁹⁴¹ Diario de Cuba, [Hospital collapse in Cuba](#), July 6, 2021

⁹⁴² New York Times, ['They enter to die': the coronavirus shows the failures of the Cuban health system](#), August 18, 2021

⁹⁴³ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on the right to health and access to Covid-19 vaccines, 1 September 2021

⁹⁴⁴ Cuban Observatory of Human Rights, [The State of Social Rights in Cuba](#), 26 September 2021

⁹⁴⁵ Republic [SOS Cuba: Azithromycin, the most sought-after antibiotic on the Cuban black market](#), August 6, 2021.

⁹⁴⁶ Tv Avila, [Medicinal Plants: an effective alternative in these times](#), June 3, 2021

⁹⁴⁷ IACHR, [Pandemic and Human Rights in the Americas](#), Resolution 1/2020, 10 April 2020

⁹⁴⁸ Diario de Cuba, [Not only are there mass graves in Santiago de Cuba: morgues and funeral homes are collapsed](#), August 6, 2021

⁹⁴⁹ IACHR, [Human Rights of People with COVID-19, Resolution 4/2020](#), para. 52, 27 July 2020

⁹⁵⁰ IACHR, [Human Rights of People with COVID-19, Resolution 4/2020](#), para. 52, 27 July 2020

- Soberana 2 and Abdala vaccines, as well as an intervention study, initially inoculating health workers and other risk groups. At the beginning of May 2021, it approved a health intervention with the Cuban vaccine candidates Abdala and Soberana 2, with priority given to the elderly and who would have risk factors. Only on July 9, the Center for the State Control of Medicines, Equipment and Medical Devices (CECMED) decided to grant the Emergency Use Authorization (AUE) to the Cuban abdala vaccine and, on August 20, to the Soberana 2 and Soberana Plus vaccines.⁹⁵¹⁹⁵²⁹⁵³
619. Additionally, REDESCA observes that, according to data from the Ministry of Public Health of Cuba, at the close of October 27, 2021, 25,569,841 doses administered with the Cuban vaccines Soberana 02, Soberana Plus and Abdala accumulated in the country. To date, 9,805,148 people have received at least one dose of one of Cuba's three vaccines. Of these, 8,880,225 people already have a second dose and 6,847,057 people have a third dose. Therefore, 7,140,556 people would have a complete vaccination schedule, which would represent 63.8% of the entire Cuban population. On September 22, 2021, the Cuban government announced that the Business Group of the Biotechnology and Pharmaceutical Industries of Cuba completed the production of all doses of vaccines necessary to immunize the Cuban population. The strategy is part of the government's plans to reach 92.6% of the vaccinated population by November 2021.⁹⁵⁴⁹⁵⁵⁹⁵⁶⁹⁵⁷
620. In addition to greeting the Cuban State for the progress in inoculation of the population, the REDESCA recognizes that Cuba was the first country in the world that began vaccinating its population from the age of two. Vaccination of children aged 2 to 18 years began on 3 September 2021 and coincided with the resumption of the 2020-2021 school year. At the close of October 10, 92% of the Cuban pediatric vaccinated population already had at least one first dose of Soberana 02, as part of the childhood vaccination campaign against COVID-19.⁹⁵⁸⁹⁵⁹
621. The Office of the Special Rapporteur also notes that, in addition to Cuba, the Abdala and Soberana 02 vaccines have been approved by Nicaragua, Venezuela, and Iran. Vietnam also authorized the purchase of 10 million doses of the Abdala vaccine. In September 2021, Cuba initiated contacts with the WHO to obtain recognition of its anti-covid vaccines, to expand its trade abroad. In that sense, in accordance with Resolution 1/2021, the REDESCA reinforces that international cooperation and solidarity are essential to promote equitable access to vaccines and ensure the exchange of information and technology. Therefore, the Cuban State is urged to increase the spaces

⁹⁵¹ IACHR/REDESCA. Minutes of the Cuba Network, Meeting on the Right to Health, September 01, 2021

⁹⁵² Ministry of Public Health of Cuba, Update of the strategy for the development of Cuban vaccines, October 28, 2021

⁹⁵³ Ministry of Public Health of Cuba, Update of the strategy for the development of Cuban vaccines, October 28, 2021

⁹⁵⁴ Ministry of Public Health of Cuba, Update of the strategy for the development of Cuban vaccines, 28 October 2021

⁹⁵⁵ Ministry of Public Health of Cuba, Update of the strategy for the development of Cuban vaccines, 28 October 2021

⁹⁵⁶ Granma Cuba already has all the doses to vaccinate its population against COVID-19, 22 September 2021

⁹⁵⁷ France 24, Cuba is the first country in the world to vaccinate children from the age of two, 05 September 2021

⁹⁵⁸ France 24, Cuba is the first country in the world to vaccinate children from the age of two, 05 September 2021

⁹⁵⁹ Granma 92% of the vaccinated paediatric population already has at least one first dose, October 13, 2021

- for international dialogue to facilitate the distribution of vaccines, mainly in those countries that have less financial, institutional and technological capacity.⁹⁶⁰⁹⁶¹
622. The REDESCA notes that on July 11, 2021, peaceful protests were registered in at least 40 cities in Cuba in order to demand the exercise of civil liberties and changes in the country's political structure, and to vindicate the lack of access to economic, social and cultural rights. On this last point, and according to information available to the REDESCA, among the reasons for the demonstrations includes the worsening of the COVID-19 crisis on the island - which would have caused an increase in infections and hospitalizations, generating a calamitous situation in several hospitals. This coupled with rising inflation; deficiencies in electrical service; shortages of food, medicine and basic goods; and restrictions on internet service.⁹⁶²⁹⁶³⁹⁶⁴⁹⁶⁵
623. According to information widely reported by the press and civil society, part of the demonstrations was allegedly violently repressed by the police in different localities. Therefore, the IACHR and its Special Rapporteurs expressed, through Press Release No. 177/2021, their concern about the allegations of violations of economic, social, cultural, and environmental rights, and called on the State to establish a dialogue within society to meet the demands of the population, and to cease its distancing from international human rights systems.⁹⁶⁶
624. For this reason, the IACHR and REDESCA recall that social protest is an essential mechanism to ensure respect and guarantee for ESCERs, as indicated in the report on Protest and Human Rights,⁹⁶⁷ calling on the authorities to channel social discontent through dialogue and active listening to citizen demands. and taking such measures as may be necessary for their satisfaction.⁹⁶⁸
625. With regard to the right to food, the IACHR and the REDESCA received information on a pattern of shortages of basic and essential foods in Cuba, which is affecting the adequate nutrition of the population, especially the elderly, with chronic diseases, pregnant women, children and adolescents. This situation is currently one of the main challenges faced by the population, revealing a situation of extreme socioeconomic vulnerability and food insecurity in the country. Additionally, the data of the survey carried out by the Cuban Observatory of Human Rights are worrying in that, in 2021, 45% of the Cuban population had to deprive themselves of at least one

⁹⁶⁰ DW [Nicaragua approves use of Cuban coronavirus vaccines](#), October 2, 2021

⁹⁶¹ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 1.

⁹⁶² IACHR, [Press Release No 177/2021](#), July 15, 2021

⁹⁶³ CNN [What is happening in Cuba? Protests, economic crisis and the impact of covid-19](#), July 15, 2021, 15 July 2021; The daily one. [Cuba: the health crisis sharpens tensions on the island with massive protests](#), July 12, 2021

⁹⁶⁴ Diario de Cuba, [Hospital collapse in Cuba](#), July 6, 2021

⁹⁶⁵ BBC World, [Protests in Cuba: 3 keys to understanding the demonstrations on the island, the largest in decades](#), July 12, 2021

⁹⁶⁶ IACHR, [Press Release No 177/2021](#), July 15, 2021

⁹⁶⁷ IACHR, [Protests and Human Rights](#), OEA/Ser.L/V/II, September 2019

⁹⁶⁸ IACHR, [Press Release No 177/2021](#), July 15, 2021

- meal, 73% qualify their family's food as deficient, and that only 3% indicated that the supply book would cover their food needs for the entire month.⁹⁶⁹⁹⁷⁰
626. While the situation continues, the IACHR and the REDESCA reiterate their call on the State to take concrete actions to guarantee all people, without discrimination, access to adequate food or the means to obtain it, even in situations of resource limitations as has been happening during the COVID-19 pandemic. Likewise, they reiterate to the State the call for urgent actions to ensure that there is sufficient and affordable provision of food to meet national demand, especially ensuring the protection of populations in the most vulnerable conditions.
627. In addition, the REDESCA is concerned about the health conditions of persons deprived of their liberty. Although Cuba has one of the highest populations deprived of liberty in the world, almost one hundred thousand people and about 200 prisons, the island's detention centers would be in poor health conditions, with overcrowding, poor nutrition and poor medical care for people deprived of liberty, even with reports of COVID-19 infections and scabies. In this regard, information has been received about overcrowding in detention centers and a high number of COVID-19 infections among detainees, as well as cases of denial of medical attention to people who have participated in the protests of July 11 or who have a well-known work of activism and dissidence in the country.⁹⁷¹⁹⁷²⁹⁷³
628. Faced with this situation, the REDESCA observes with concern the evident lack of attention to these populations, so it recommends taking action in this regard taking into account their state of health, as well as implementing measures to control the virus as much as possible in these environments, and protecting the health of persons deprived of liberty.⁹⁷⁴
629. Parallel to the above, the REDESCA is concerned about the situation of the elderly, because, despite the Comprehensive Program for the Elderly, a social policy implemented by the Cuban State, these people would face difficulties in accessing medicines, attending consultations with geriatricians and treating or preventing diseases typical of age. Therefore, in the same way that the IACHR and its REDESCA had already done, the Rapporteurship recalls the need for specific programs aimed at addressing the situation of the elderly to be adopted within the framework of containment measures in the face of the pandemic, with an intersectional and differentiated perspective.⁹⁷⁵⁹⁷⁶

⁹⁶⁹ IACHR, Press Release No. 136/2021, May 25, 2021

⁹⁷⁰ Cuban Observatory of Human Rights, The State of Social Rights in Cuba, 26 September 2021

⁹⁷¹ Cuban Observatory of Human Rights, OCDH denounces the Covid-19 situation in prisons in Camagüey (Cuba) and the lack of transparency of the government in the management of the pandemic, 30 March 2021

⁹⁷² Diario de Cuba, Sarna and Covid-19 in a criminal prosecution unit in Cuba: 'It was part of the soul to hear the prisoners screaming, 23 April 2021

⁹⁷³ Race and equality, Inputs for the Integrated Network of Civil Society Organizations of Cuba regarding the Situation of Health Rights in Cuba, September 01, 2021

⁹⁷⁴ IACHR, Pandemic and Human Rights in the Americas, Resolution No. 1/2020, April 10, 2020

⁹⁷⁵ FLAMUR/CIR/Organización Mujeres Esperanza, Mujeres y DESCA en Cuba: Reflexiones desde la perspectiva de las interseccionalidades, October 2021, p. 73

⁹⁷⁶ IACHR, Pandemic and Human Rights in the Americas, Resolution No. 1/2020, April 10, 2020

630. Given the widespread shortage of products and after the protests, on July 16, 2021, the REDESCA welcomes the decision of the Cuban State to authorize, through Resolution n. 309 of the Extraordinary Official Gazette No. 62, the importation, without commercial character by natural persons, of the products that they classify as food, medicines and hygiene, that integrate the baggage accompanied by the passengers, which can be imported without limit of quantities, provided that they are presented to customs in packages separated from the rest of the products. While this measure is temporary – from July 19 to December 31, 2021 – it is urged to evaluate the advisability of maintaining it to meet the shortage situation described above.⁹⁷⁷

631. Finally, with regard to the right to health, the REDESCA calls on the Cuban State to take urgent action to ensure that there is sufficient and affordable provision of food and medicine to meet national demand, especially ensuring the protection of populations in the most vulnerable conditions.

B. Climate Emergency and Human Right to Water

632. In relation to the environment, it is well known that the island of Cuba is very vulnerable to the impacts of climate change. Specifically, the REDESCA is concerned about the risks facing the country, such as the loss of emerged territory, the reduction of water resources and rainfall, the change in the balance of ecosystems, fires in forest areas, the fragmentation or extinction of environmental systems, health impacts and changes in cultural patterns. ⁹⁷⁸According to the information collected, there has been an increase of more than 1°C in temperature in the last half century, and a rise in sea level is reported on the coasts.⁹⁷⁹

633. In this regard, the REDESCA notes that projections indicate that, without intervention and effective measures, by the end of the twenty-first century, some 21 coastal communities in Cuba would disappear completely and more than 98 would be seriously affected by climate-related hazards. For this reason, in addition to the Tarea Vida Program of the Cuban State, the REDESCA welcomes initiatives such as the "Mi Costa" project, approved by the Green Climate Fund, and with the support of the United Nations Development Program (UNDP) and the Ministry of Science, Technology and Environment of Cuba. The project foresees the strengthening of ecosystems along 1300 kilometers of coastline in 24 municipalities. The intervention would be a measure of adaptation to global warming, with almost 24 million dollars from the UN, which would benefit more than one million people.⁹⁸⁰⁹⁸¹

634. REDESCA also points out as relevant the project signed between the European Union (EU) and France with the National Institute of Hydraulic Resources of Cuba (INRH), aimed at strengthening national capacities in the field of natural disaster management and adaptation to climate change. According to the information obtained, the project will be managed through UNDP, and will facilitate the acquisition of equipment for meteorological and hydraulic monitoring, while allowing the institute that signed the agreement to strengthen its forecasting and anticipation

A. ⁹⁷⁷ Official Gazette, Resolution 213 of 2021 of General Customs of the Republic, July 16, 2021

⁹⁷⁸ Cubahora, Cuba, forest fires from the data, 6 May 2021

⁹⁷⁹ Cubadebate, United Nations System in Cuba accompanies national actions to confront climate change, 18 October 2021

⁹⁸⁰ United Nations [An environmental project will protect Cuba's southern coast from climate change](#), 22 March 2021

⁹⁸¹ United Nations [An environmental project will protect Cuba's southern coast from climate change](#), 22 March 2021

capacities in the face of the dangers of floods and droughts in 14 municipalities of Ciego de Ávila and Camagüey, affected by Hurricane Irma in 2017. In this context, REDESCA⁹⁸² recognizes the work and efforts promoted by the State of Cuba for the advancement of initiatives that guarantee the right to a healthy and sustainable environment of present and future generations, as well as those that contain the consequences of climate change.

635. Without detriment to the above, REDESCA is concerned about the information that 82% of the Cuban population would not have permanent drinking water services in their homes, and 62% of the population would rate the quality of the water between regular and very bad. The IACHR has indicated that access to water is a necessary element to guarantee the right to life, the right to personal integrity, and that it is an inherent aspect of the right to health. In the same vein, the REDESCA has emphasized the broad recognition of its close and fundamental relationship with other human rights, in particular, food, housing, education and a healthy environment, which places it as a determining element and precondition for respect and guarantee of those rights. In this context, the REDESCA urges the Cuban State to prioritize the effective fulfillment of its obligations related to water rights and to take actions aimed at the efficient use of water resources in all sectors.⁹⁸³⁹⁸⁴

C. Business and human rights

636. With regard to business and human rights, the Office of the Special Rapporteur has learned of the publication in Official Gazette No. 94 of Decree-Law 46, which authorizes the creation of micro, small, and medium-sized enterprises (MSMEs) on the island. According to the rules, the micro can have a maximum of ten members, the small 35 and the large up to 100 people, meanwhile, companies can be state-owned, private or mixed. In addition, they may export and import in accordance with the provisions of current legislation and set the prices of their services and goods, except those subject to centralized authorization.⁹⁸⁵

637. According to the information gathered, until October 14, the Ministry of Economy and Planning (MEP) announced that 162 MSMEs and 6 cooperatives have already been approved, 39 of food production and 34 of manufacturing. According to the origin, 101 are reconversion of pre-existing businesses, while 67 are newly created. The government announced that, to date, some 2,377 new jobs have been created in the economy.⁹⁸⁶

638. Faced with this information, REDESCA observes that the new legislation is an important step towards the inclusion of new economic actors and a recognition by the government of the need for greater economic openness in the country. In this regard, it is recalled that it has been established that companies, regardless of their size or activity, must respect, protect and guarantee the human

B. ⁹⁸² Cuba of Debate, Collaborative project will contribute to natural disaster management and climate change adaptation, 15 September 2021

⁹⁸³ Cuban Observatory of Human Rights, The State of Social Rights in Cuba, 26 September 2021

⁹⁸⁴ IACHR, CP No. 59/2018. IACHR REDESCA Urges Prioritization of Actions Aimed at realizing the Rights to Water and Sanitation in the Hemisphere, 23 March 2018

⁹⁸⁵ Official Gazette, Decree Law 46, August 19, 2021

⁹⁸⁶ Granma More than 2 300 jobs have been created with the 162 MSMEs and six approved cooperatives, October 14, 2021

rights of individuals within the framework of business activities and in line with inter-American standards in the matter.⁹⁸⁷

D. Labor and Trade Union Rights

639. Within the framework of the meetings of the Network of Civil Society Organizations on the situation of human rights in Cuba, a space created within the framework of the Commission for the exchange of information with the participation of different actors, the IACHR and the REDESCA have received abundant information on the situation of ESCER in Cuba. especially related to labor and trade union rights.⁹⁸⁸

640. In particular, the IACHR and REDESCA express their concern at the absence of the full exercise of freedom of association and the right to free association; the existence of arbitrary restrictions on the academic freedom of professors and the application of disciplinary sanctions for political reasons; coupled with the structural discrimination that affects women, the elderly, Afro-Cubans, the LGBTI population and people with disabilities; the absence of a living wage for workers which, together with the inflationary situation, prevents sufficient purchasing power to meet basic needs or the realization of other rights, such as health, food and housing. There is also concern about the difficulty of access to labor justice and due process for workers in general.⁹⁸⁹

641. Although Cuba has ratified several international conventions on labor law, in addition to its domestic legislation - an updated Labor Code and a recent Constitution - it has a complex context in the labor field that directly affects the enjoyment of human rights by workers. The state, as the largest employer, would control wages and limit the participation of the private sector in the labor market. Workers could not aspire to job changes without the consent of the state, wages would therefore be determined by the government and there is no opportunity to bargain individually or collectively.⁹⁹⁰⁹⁹¹

642. According to the IACHR report on human rights in Cuba, employment discrimination would also be a serious problem for workers in Cuba. In legislative terms, the Committee of Experts of the International Labor Organization (ILO) identified the need for the Labor Code to expressly define and prohibit direct and indirect discrimination on the grounds of race, political opinion and national descent. Furthermore, the Committee has already requested the Government to take the necessary measures to ensure that in practice information is not requested on the political or religious opinion of workers or students and that workers are not discriminated against on the basis of their political opinion on access to employment and working conditions.⁹⁹²⁹⁹³

⁹⁸⁷ REDESCA, Business and Human Rights: Inter-American Standards, OEA/Ser.L./V/II, para. 152, November 1, 2019

⁹⁸⁸ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

⁹⁸⁹ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

⁹⁹⁰ Cuban Studies Institute, Exploitation of Workers in Cuba, November 25, 2018

⁹⁹¹ Cuban Newspaper, Poligráfico de Santa Clara maintains days of 18 hours in the middle of the pandemics, June 23, 2020

⁹⁹² IACHR, Country Report, Situation of human rights in Cuba, OEA/Ser.L./V/II., February 3, 2020

⁹⁹³ International Labor Organization, Observation (CEACR) - adopted 2016, published th ILC session, 2017

643. As for people of African descent, the REDESCA notes the underrepresentation of these people in the labor and economic world of Cuba, since they would have fewer opportunities to access decent and paid jobs, reflecting a participation in marginal occupations of the economy, low levels of income and persecution to join unions or independent groups. In this regard, the IACHR and its REDESCA have indicated that States must guarantee that people of African descent have the possibility of accessing decent jobs in the main economic and occupational sectors without any discrimination, which includes policies aimed at eradicating discrimination and segregation in both the public and private spheres.⁹⁹⁴⁹⁹⁵
644. In addition, the IACHR and REDESCA received information that in Cuba it has been possible to document several cases of violence and discrimination in the workplace against LGBTI persons, including difficulties in accessing and remaining in work and achieving promotions in their jobs, as well as ill-treatment of all kinds that prevent them from enjoying decent working conditions and safe employment spaces. In particular, the Commission and its Office of the Special Rapporteur take note of the situation of trans and Afro-descendant workers who are in a situation of greater vulnerability, since they would be denied access to work and left prostitution as a last resort. The information received shows that several people from this community have gone to different centers to apply for employment, but what is observed are cases of discrimination, insults and harassment, as well as the persecution of the police, the application of fines and warnings to trans people for staying on the street. Even in certain cases they would be deprived of their liberty.⁹⁹⁶⁹⁹⁷
645. Similarly, the REDESCA also received information on discrimination and expulsion of lesbian women from their jobs because of their sexual orientation. They would also face harassment and ridicule from their co-workers, so they are forced to hide their sexuality to keep their jobs.⁹⁹⁸
646. The IACHR and the REDESCA also express concern about the situation of sex workers working on the island in the tourism sector. Although being a sex worker in Cuba is not a crime, the information collected indicates that many workers would be harassed and approached by the police authorities and persecuted under the figure of "pre-criminal dangerousness" found in Article 72 of the current Criminal Code. Due to the pandemic and the closure of tourism borders, many workers have had to look for other informal means of obtaining a minimum income to ensure their survival and that of their children. In this regard, the REDESCA stresses that the State must guarantee dignified conditions for all people, including women and LGBTI people, so that sex work is an option and not a social determination. At the same time, it must take measures so that

⁹⁹⁴ International Labor Organization, Observation (CEACR) - adopted 2016, published th ILC session, 2017

⁹⁹⁵ IACHR, Report on the Economic, Social, Cultural, and Environmental Rights of Persons of African Descent: Inter-American Standards for the Prevention, Combat, and Eradication of Structural Racial Discrimination, 16 March 2021, para. 200

⁹⁹⁶ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

⁹⁹⁷ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

⁹⁹⁸ FLAMUR/CIR/Women Hope Organization. Women and ESCER in Cuba: Reflections from the perspective of intersectionality, October 2021, p. 24/25

people who opt for this job are free from discrimination, exploitation, harassment and persecution.⁹⁹⁹

647. In relation to the situation of women, the Office of the Special Rapporteur was aware of the still limited access to the world of work, exacerbated by the pandemic, as well as the discriminatory treatment, given the unequal salaries with respect to men, so they have seen the need to redouble shifts. In addition, the REDESCA is concerned about the lack of oversight in relation to the situation of domestic and care workers that was aggravated by the pandemic.¹⁰⁰⁰

648. In the same vein, the REDESCA received information on job advertisements, which would expressly contemplate the gender, age and race of employees. This has been seen especially from the self-employed sector. As long as there is no justification for the nature of the work, these facts would constitute practices of employment discrimination.¹⁰⁰¹

649. In this regard, the IACHR and REDESCA observe that discrimination and violence at work are often related to gender, race, sexual orientation, gender identity, and expression. Thus, in Latin America, discrimination and structural exclusion in the labor market, based on these reasons, contributes to setting in motion an endless cycle of poverty. For this reason, the Commission and its Office of the Special Rapporteur urge the Cuban State to adopt inclusive measures at various levels to ensure the dignified employment of people in vulnerable situations, without discrimination.¹⁰⁰²

650. On the other hand, the REDESCA notes that, at the end of March 2021, 607,429 people were self-employed, of which 212,536 are women (35%). In 2021, the Council of Ministers approved the removal from the list of 127 activities approved for self-employment in Cuba. According to the Government, through the National Classifier of Economic Activities, there are more than 2,000 activities in which this non-state exercise would now be allowed. However, the Office of the Special Rapporteur is concerned about the rules, regulations, and interventions of the State that would violate the right to freedom of professional practice of self-employed persons. In particular, decree-laws 44/021 and 45/2021, respectively, would limit the exercise of work and establish the application of sanctions and measures to those who contravene the regulations on self-employment, such as fines and confiscation of instruments, equipment and raw materials.¹⁰⁰³¹⁰⁰⁴¹⁰⁰⁵

651. The REDESCA recalls that the right to work includes the following essential elements: the freedom to exercise any lawful profession without interference from any authority; the right to have a job, which implies positive obligations for the State to generate jobs; and dignity, since the work must

⁹⁹⁹ Diario de Cuba, Sex workers, the reopening of borders and the extinction of 'danger', 23 October 2021

¹⁰⁰⁰ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

¹⁰⁰¹ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

¹⁰⁰² IACHR, Violence against LGBTI Persons, 2015, paragraph 371, p. 216

¹⁰⁰³ ECLAC, Economic Survey of Latin America and the Caribbean 2021. Cuba, July 30, 2021. p. 6

¹⁰⁰⁴ MTSS, Questions and answers related to the preparation of self-employment, March 30, 2021.

¹⁰⁰⁵ Cibercuba, Self-Employment Reform in Cuba: How the Government Prepares to Control and Sanction, 2 September 2021

meet a minimum of just conditions. Thus, the IACHR and REDESCA urge the Cuban State to respect the right of people to freely choose and accept work, refraining from denying or limiting equal access to decent work.¹⁰⁰⁶

652. In addition to these issues, the REDESCA notes that the government has initiated reforms to contain the economic crisis and inflation. As mentioned by the representative of the International Labor Organization at the Meeting of the Integrated Network of Civil Society Organizations of Cuba, monetary unification and the expansion of independent work represent decent work opportunities, but they are not without risk. In this sense, REDESCA reinforces that, although the context of openness by the government would generate greater opportunities, the Government has established clear limits to the full and free exercise of labor and trade unions. For that reason, the State must ensure full access to labor rights, as established by the ILO Conventions signed by Cuba.¹⁰⁰⁷

653. The REDESCA welcomes the fact that the Ministry of Labor and Social Security (MTSS) of Cuba requested technical assistance from the ILO in two processes: design and implementation of the Labor and Social Observatory (OSL) and the creation of green jobs to face the consequences of climate change. According to the information collected, the Social and Labor Observatory (OSL) was inaugurated in Cuba on October 16, 2021 and has the following functions: the monitoring of indicators; diagnosis based on the identification of equity gaps; provide inputs that allow decision-making by territorial governments; regular dissemination of information; and evaluate the effects and impact of social, labor and economic projects, programs and policies on the social and occupational situation. Thus, the Office of the Special Rapporteur welcomes the State's efforts to disseminate information and make the situation of labor and trade union rights on the island more transparent.¹⁰⁰⁸¹⁰⁰⁹

654. On the other hand, in relation to the situation of international medical missions, it continues to be a matter of concern for the IACHR and the REDESCA. In this regard, although the support provided by the Cuban government to other countries is recognized, complaints about wage inequality and the exploitation of health professionals persist. On the subject, on June 10, 2021, the European Parliament approved a resolution condemning the systemic violations of human and labor rights committed by the Cuban State against its health personnel sent to provide services abroad in medical missions, which would violate the fundamental ILO Conventions ratified by Cuba. Therefore, the IACHR and the REDESCA reiterate that it is necessary to adopt public policies that guarantee the effective protection of the rights of health personnel who are providing their services in Cuba, as well as in international missions, in accordance with international human rights standards in this area, including ILO regulations.¹⁰¹⁰

¹⁰⁰⁶ Committee on Economic, Social and Cultural Rights, General Comment 18. The right to work, 24 November 2005

¹⁰⁰⁷ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

¹⁰⁰⁸ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

¹⁰⁰⁹ Granma [Cuba already has a Social and Labor Observatory](#), October 18, 2021

¹⁰¹⁰ European Parliament [European Parliament resolution on human rights and the political situation in Cuba](#), of 10 June 2021.

655. With regard to trade union rights, although Cuba has ratified the ILO Conventions on freedom of association and collective bargaining and updated its Labor Code in 2014, the IACHR and REDESCA note that there are severe limitations on the formation of independent trade unions, since, according to information provided by civil society, de facto, the government would only allow a confederation of state-controlled unions – the Central de Trabajadores de Cuba.¹⁰¹¹
656. In addition, the IACHR and the REDESCA express their deep concern over the report presented by the Independent Association of Cuba (ASIC), stating that seven independent trade union activists, who participated in the protest on July 11 in the province of Holguín, have been repressed or detained. Ramón Zamora Rodríguez, for example, would have suffered strong kicks and blows with the tonfas, causing trauma to the head at the level of the occipital bones and the right temporal, injuries to the capsule and ligaments of the second finger of the right hand. In addition, as he has related, due to his trade union activity, he would have suffered constant arrests for more than 72 hours in boarded up cells and beaten on other occasions, as well as having suffered acts of repudiation against him and his family, and the constant siege, harassment and persecution by the organs of State Security.¹⁰¹²¹⁰¹³
657. In this regard, the Commission and the REDESCA reiterate that freedom of association is a right that promotes democracy, good governance of the labor market and decent working conditions, as well as guarantees the collective organization of workers by enabling them to promote the enjoyment of their labor rights and implement their autonomous development. For this reason, the IACHR and REDESCA urge the Cuban State to refrain from creating barriers to the collective organization of workers and to respect the right of protest of the people, so that they can defend their interests.¹⁰¹⁴
658. Finally, with regard to labor and cultural rights, the IACHR and its Special Rapporteurships follow with special concern the repressive action against independent journalists and artists, who are allegedly suffering violations of their rights for exercising their freedom of expression and artistic creation in the country. Of particular concern is the harassment of members of the San Isidro Movement (MSI), who are reportedly being harassed by the political police and the Department of State Security.¹⁰¹⁵
659. In line with the above, the American Declaration of the Rights and Duties of Man, in addition to guaranteeing the right of all people to freedom of expression and dissemination of thought, establishes the right to benefit from culture, protecting artists and their works, as well as the right to work in dignified and free conditions. In this regard, and as mentioned in CP No. 119/2021, the

¹⁰¹¹ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on labor and trade union rights, 6 October 2021

¹⁰¹² ASIC, Report of the Independent Trade Union Association of Cuba on the events that occurred during the notorious popular outbreak of Sunday, July 11, 2021, July 20, 2021

¹⁰¹³ ASIC, Report of the Independent Trade Union Association of Cuba on the events that occurred during the notorious popular outbreak of Sunday, July 11, 2021, July 20, 2021

¹⁰¹⁴ IACHR, Compendium on Labor and Trade Union Rights, paras. 50/51

¹⁰¹⁵ IACHR, CP No. 119/21 [The IACHR and its Special Rapporteurships Condemn the Harassment of Artists, Journalists, and Activists in Cuba and Call on the State to Cease Acts of Persecution against Those Who Exercise the Right to Freedom of Expression and Artistic Creation](#), May 13, 2021

IACHR and its Rapporteurships call on the State to recognize and protect the right to peaceful assembly and freedom of expression, without discrimination for reasons of political opinion, as well as to put an end as soon as possible to the practice of harassment and harassment of activists, independent artists and journalists exercising their right to freedom of expression.¹⁰¹⁶¹⁰¹⁷

E. Fiscal and Economic Policies

660. In relation to fiscal and economic policies, the REDESCA notes that on January 1, 2021, the government of Cuba established the Task Order (TO) to deal with high inflation, the effects of the economic blockade imposed by the United States, the situation of the COVID-19 pandemic and the international economic crisis. The OT would therefore be a broad economic reform for the unification of the country's two currencies, the gradual reduction of subsidies to companies and the quintupling of the minimum wage.¹⁰¹⁸

661. According to the information gathered, the reform aimed to simplify and streamline the functioning of the economy and end the convertible peso, a currency linked to the dollar created in 1994 and circulating alongside the normal peso, which is worth 24 times less. The convertible peso would be phased out over six months. The minimum wage, which was 400 pesos (about \$17), has been raised to 2,100 pesos (about \$88). The government announced it would adopt 32 wage levels, based on the type of each job, up to a maximum of 9,510 pesos (\$397). Additionally, the reform established the reduction of state subsidies to companies, which will have one year to adjust their balance sheets. Cuban economists estimated that about 40% of the country's state-owned enterprises operate in the red, and while some will benefit from monetary reform, especially exporting firms, others will go bankrupt.¹⁰¹⁹¹⁰²⁰¹⁰²¹

662. In this sense, the REDESCA observes that the implementation of the monetary and exchange order was not without difficulties, and there were problems in its application, which forced the government to modify the prices and tariffs of goods and services, as well as to increase subsidies. The government's efforts to prevent rising prices would not have been enough, and, while controls might be effective in the short term, they did not correct supply-side structural problems.¹⁰²²

663. On inflation, according to data presented by the National Office of Statistics and Information (ONEI), in August 2021, the Consumer Price Index in Cuba was 173.51 in relation to the base (2010), being the monthly variation of that month in relation to July of 0.81%, the accumulated variation so far this year of 58.46% and the year-on-year of 62.87%. The monthly variation shown

¹⁰¹⁶ IACHR, CP No. 119/21 [The IACHR and its Special Rapporteurships Condemn the Harassment of Artists, Journalists, and Activists in Cuba and Call on the State to Cease Acts of Persecution against Those Who Exercise the Right to Freedom of Expression and Artistic Creation](#), May 13, 2021

¹⁰¹⁷ IACHR, CP No. 119/21 [The IACHR and its Special Rapporteurships Condemn the Harassment of Artists, Journalists, and Activists in Cuba and Call on the State to Cease Acts of Persecution against Those Who Exercise the Right to Freedom of Expression and Artistic Creation](#), May 13, 2021

¹⁰¹⁸ Granma [Task Ordering: 2021 begins with the most decisive process to advance in the updating of the economic model](#), December 10, 2020

¹⁰¹⁹ The country, [Cuba unifies sua moeda and deepens economic reforms of the country](#), December 11, 2020

¹⁰²⁰ Official Gazette No. 69, [Resolution No 28](#), December 10, 2020

¹⁰²¹ The country, [Cuba unifies sua moeda and deepens economic reforms of the country](#), December 11, 2020

¹⁰²² ECLAC, [Economic Survey of Latin America and the Caribbean 2021](#), Cuba, July 30, 2021.

from December 2020 to January 2021 is due to the increase in prices in correspondence with the process of monetary and exchange unification, that is, the Ordering Task. The study also reports that the divisions that most influenced the increase in the index at the beginning of the year were: food, housing and transportation. Additionally, the REDESCA notes with concern the data of the report of the National Office of Statistics and Information (ONEI) on the semi-annual investment in Cuba between January and June 2021, which ratifies the greater weight that the Cuban Government grants to business services, real estate and rental activity, compared to sectors such as public health and education¹⁰²³¹⁰²⁴¹⁰²⁵. The REDESCA notes that this situation has a negative impact on the level of enjoyment of economic and social rights by the population and on the country's capacity for economic growth.

664. In line with the above, despite the measures adopted by the government in the Task Order, according to ECLAC, in 2021 the monetary authorities face the challenge of controlling the pace of inflation after the initial shock of prices of the monetary order and the environment of scarcity associated with the pandemic. The dollar's liquidity problems increase price volatility, despite the authorities' efforts to alleviate it by applying direct controls on exchange rates, prices, wages and credit. The sharp contraction in the supply of foreign exchange widened the spread between the official exchange rate and that of the informal market, which was aggravated by the increase in demand for dollars due to the return of foreign exchange sales in the state markets for goods and services. Both factors affect price stability, especially in unregulated markets in the non-state sector (including the agricultural market) and in the informal market itself. During the Trump administration in the United States, more than 240 coercive measures were activated within the framework of the US blockade of Cuba, which remain in force until today. For Cuba, these restrictions deepen the multiple challenges imposed by the COVID-19 pandemic and multiply its adverse effects in the socioeconomic, health and financial spheres.¹⁰²⁶

665. For this reason, the IACHR and the REDESCA, in the framework of the Report on the Situation of Human Rights in Cuba, expressed their concern about the allegations of violations of economic, social, cultural, and environmental rights, for reasons related to national policies. Likewise, in the context of the serious economic and social crisis that the country is going through, the Commission and its Office of the Special Rapporteur reiterate the importance of ending the United States economic blockade on Cuba in order to guarantee human rights that are affected as a result of it. However, it is reiterated that the economic embargo does not exempt the State of Cuba from complying with its international obligations under the American Declaration.¹⁰²⁷

F. Education, science, technology: academic freedom and university autonomy

666. Regarding the right to education in the context of the pandemic, the REDESCA notes that Cuba suspended classes in the classrooms and announced that it would resume activities once the children had been vaccinated. The REDESCA highlights the Initiative of the State to continue

¹⁰²³ National Office of Statistics and Information (ONEI), Consumer Price Index (CPI) for August 2021, September 2021.

¹⁰²⁴ ONEI, Investments. Selected indicators September 2021

¹⁰²⁵ Diario de Cuba, Despite the collapse of hospitals and empty hotels, the Cuban government invests 57 times more in tourism than in health, September 9, 2021

¹⁰²⁶ ECLAC, Economic Survey of Latin America and the Caribbean 2021, Cuba, July 30, 2021

¹⁰²⁷ IACHR, Country Report, Situation of human rights in Cuba, OEA/Ser.L/V/II., February 3, 2020

- ensuring education through the use of television programming, transmitting more than 1460 activities through the Educational Channel during the pandemic, after having interrupted the face-to-face academic cycle.
667. In this scenario, the Office of the Special Rapporteur learned that the public authorities had launched a campaign for Cuban families to vaccinate their children. Thus, on October 4, the 2020-2021 school year resumed in the country, with students in 12th, 3rd and 4th grade of pedagogical schools and 3rd of vocational-technical training. In total, 84.5 thousand students from 794 educational institutions resumed classes in person, and for this, according to the government, most were vaccinated with three doses of Abdala. Due to the above, the REDESCA reiterates the importance of ensuring that the necessary hygiene and social distancing measures are guaranteed to protect educational and administrative personnel, as well as children and adolescents.¹⁰²⁸¹⁰²⁹¹⁰³⁰
668. On the other hand, although Cuba has the highest school enrolment rates in the region, THE REDESCA is concerned that access to the internet, computer equipment or other state-of-the-art devices remains limited and may be a limiting factor for virtual teaching.¹⁰³¹
669. The REDESCA in turn expresses its concern about the information presented by the Observatory of Academic Freedom (OLA) on various cases of violations of academic freedom, university autonomy and other related human rights. As of June 2021 of the OLA, a total of 44 cases have been registered (22 historical and 22 recent) that have some kind of relationship with the rights of academic freedom and university autonomy and a total of 29 institutions involved in the systematic and widespread violation of human rights.¹⁰³²¹⁰³³
670. In the OLA report n. 11, the events that affected Henry Eric and José Raúl Gallego are described. The first was expelled from the University of the Arts (ISA) when he was a student, due to a discussion during a meeting with the then Minister of Culture, Abel Prieto, for disagreeing with a resolution that forced university graduates to return to their territories of residence, once they graduated from their careers. Later Henry was expelled in his role as a professor at that same school, after publishing an article called "Presentation notes for a workshop in progress", which expressed criticism of teaching at the ISA, as well as the photo of one of the works produced by the students, related to freedom of expression. In the same sense, José Raúl Gallego was sanctioned to occupy for a year a position of lower remuneration to the accusation of the counterrevolutionary character of his articles, and to consider that he practiced a negative influence on the students

¹⁰²⁸ Cuba in Debate, Resumption of the school year will be carried out once the vaccination campaign is over, 12 September 2021

¹⁰²⁹ Granma Cuba reopens its classrooms, 5 October 2021

¹⁰³⁰ Cuba in Debate, Resumption of the school year will be carried out once the vaccination campaign is over, 12 September 2021

¹⁰³¹ Oxfam, Right to live without blockade, May 2021, p. 55

¹⁰³² Observatory of Academic Freedom, Report No 11, June 2021, p. 11

¹⁰³³ Observatory of Academic Freedom, Report No 11, June 2021, p. 11

after fighting against the expulsion of the student José Alemán Mesa, who made criticisms of the university and the Cuban reality.¹⁰³⁴

671. Additionally, and in the same sense, the REDESCA also expresses its concern about the situation of the teachers and students who participated in the peaceful protests of July 11, 2021, as well as those who announced their participation in the demonstrations of November 15. In this sense, it was learned of the case of Professor David Alejandro Martínez Espinosa who, according to the information collected, would have been expelled on October 19, 2021 from the University of Medical Sciences in Cienfuegos for being one of the signatories of the notification of the peaceful march for change, convened for November 15, 2021.¹⁰³⁵¹⁰³⁶

672. Therefore, the Office of the Special Rapporteur reinforces that the dissemination of scientific knowledge and individual or collective opinions about institutions and society in general are protected by the right to freedom of expression and academic freedom. Likewise, for the enjoyment of academic freedom, the autonomy of higher education institutions is essential to strengthen democratic structures and avoid pressure or intervention of a political nature. In the same way, the REDESCA calls on the State, by virtue of the facts set forth above, to take measures to guarantee the autonomy of universities and academic freedom, expression and thought of their teaching bodies and students.¹⁰³⁷

673. The REDESCA also received information that Cuban women are the majority in the scientific area and that they are in the front row in the face of COVID-19 in scientific research laboratories and other academic spaces. However, according to Cuban scientists, the economic embargo affects scientific development on the island, demanding efforts to find alternatives, materials and resources necessary to maintain research. Therefore, the ¹⁰³⁸REDESCA recognizes the work of women in this relevant space, as well as reiterates the importance of ending the economic blockade of the United States on Cuba.

G. Human Mobility and ESCER

674. Faced with human mobility and the DESCA impacts, the REDESCA is concerned about the data from the US government that show that 100,000 cases of immigration and family reunification of Cubans are pending, since the closure of the Washington consulate in Havana. In fiscal year 2021 — from Oct. 1, 2020 to Sept. 30, 2021 — the U.S. Coast Guard intercepted nearly 600 Cubans, up from 313 in 2019 and 49 last year.¹⁰³⁹

675. The REDESCA notes that, historically, Cuban people have been among the top ten immigrant groups in the United States since 1970, and in fiscal year 2018 they were the seventh largest group,

¹⁰³⁴ Observatory of Academic Freedom, Report No 11, June 2021, p. 11

¹⁰³⁵ IACHR/REDESCA, Integrated Network of Civil Society Organizations of Cuba. Minutes of the meeting on Protests, Freedom of Expression and ESCER, August 4, 2021

¹⁰³⁶ Diario de Cuba, Repression by the 15N in Cuba: A university professor expelled for 'loss of ideology' revolutionary, October 20, 2021.

¹⁰³⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 13. UN Doc. E/C.12/1999/10 (8 December 1999), paras. 38-40

¹⁰³⁸ Oxfam, Right to live without blockade. May 2021, p. 48 and 50

¹⁰³⁹ IPS The migratory drama increases while Cuba and the United States continue without dialogue, August 11, 2021

with more than 1.3 million Cubans representing approximately 3% of the total immigrant population of 44.7 million. Thus, the United States is the top destination for Cuban immigrants, followed by Spain (141,400), Italy (37,300), Canada (19,000), Germany (13,400) and Mexico (12,900), according to the United Nations Population Division's mid-2019 estimates. Puerto Rico is also one of the top destinations, with 13,600 Cubans.¹⁰⁴⁰

676. The Office of the Special Rapporteur observes that, prior to the labor impacts caused by the COVID-19 pandemic, Cuban immigrants participated in the labor force at a lower rate than the total foreign- and U.S.-born population, due in part to the higher proportion of elderly Cubans. Compared to immigrants in general, those of Cuban origin were less likely to be employed in management, business, science, and arts occupations. In addition, in general, Cuban immigrants have a lower level of education than the total foreign- and U.S.-born population, with significantly lower incomes than the general immigrant and native population.¹⁰⁴¹

677. Meanwhile, reports indicate an increase in the number of Cuban migrants — among other nationalities — transiting to the southern U.S. border through the dangerous Darien jungle on Colombia's border with Panama. According to testimonies, many are victims of drug and human trafficking networks, sexual violence, child labor, labor exploitation and other violations, or perish due to harsh environmental conditions.¹⁰⁴²

678. In this regard, the REDESCA reiterates that the policies, laws and practices they implement in the field of migration must respect and guarantee the human rights of all migrants, which derive from their human dignity and have been widely recognized in international human rights treaties. In this regard, as the IACHR has previously stated, the Office of the Special Rapporteur urges the States that are part of the routes being used by Cuban migrants to adopt the measures that are necessary to guarantee the economic, social, cultural, and environmental rights of those under their respective jurisdictions.¹⁰⁴³

¹⁰⁴⁰ Migration Policy Institute, [Cuban Immigrants in the United States](#), June 11, 2020

¹⁰⁴¹ Migration Policy Institute, [Cuban Immigrants in the United States](#), June 11, 2020

¹⁰⁴² IPS [The migratory drama increases while Cuba and the United States continue without dialogue](#), August 11, 2021

¹⁰⁴³ IACHR, [CP n. 146/2015](#), 8 December 2015

13) DOMINICA

679. With respect to Dominica, the Office of the Special Rapporteur has carried out monitoring work on the situation of ESCER in the country, paying attention mainly to the enjoyment of the right to health, analyzing its social determinants and the impacts that the pandemic has implied, paying special attention to the measures that have been adopted by the State. For example, in terms of economic and fiscal policies, all of which will be detailed in the following paragraphs. The REDESCA has also followed the particular situation regarding the country's climate emergency, as well as the enjoyment of labor and trade union rights, as well as the right to education. In the following paragraphs, the aforementioned lines of work will be developed in detail.

A. Right to Health and its Social Determinants

680. With regard to the enjoyment of the Right to Health in the particular context of the COVID-19 pandemic, the REDESCA notes that 5,336 confirmed positive cases had been reported in Dominica as of 15 November, with the number of deaths at that date amounting to 35. Regarding the doses of the COVID-19 vaccine, the Office of the Special Rapporteur notes that 53,955 doses were applied as of November 12, with 25,748 people fully vaccinated, representing 35.77% of the total population.¹⁰⁴⁴¹⁰⁴⁵

681. As for the impacts that the pandemic has brought, the REDESCA notes that the significant and unprecedented worsening of Dominica's mental health population is one of the main impacts of Covid-19, as expressed by the consultant psychiatrist of the Acute Psychiatry Unit (APU).¹⁰⁴⁶ He also noted that as the pandemic continues to spread, it causes the population a considerable degree of fear and concern about what, according to some reports from the mental health community, we now face "the greatest threat to mental health from the second world." "war" and a possible "tsunami" of psychological problems.¹⁰⁴⁷

682. Given this situation, the REDESCA recalls what was stated in the press release in conjunction with the Inter-American Commission about the fact that according to the Pan American Health Organization (PAHO), in the Americas there is an unprecedented mental health crisis, as a result of increased stress, such as the consumption of alcohol and drugs in the face of the measures restricting mobility that have been imposed in the face of the pandemic, therefore, they call on the States of the Region to guarantee mental health care and treatment when adopting health policies and other areas to deal with the pandemic.¹⁰⁴⁸

683. Regarding the vaccination process carried out in the country, the REDESCA notes that Dominica received on April 6, 2021 the first delivery of doses of COVID-19 vaccines (28,800 doses) through COVAX, a global effort between the Coalition for Innovations in Epidemic Preparedness (CEPI), the

¹⁰⁴⁴ Macro Data, [Coronavirus crisis](#), November 15, 2021

¹⁰⁴⁵ Expansion [Vaccines administered](#), 12 of October 2021

¹⁰⁴⁶ Dominican News, [Mental health cases increase due to pandemic; psychiatrist calls for more resources, collective action to tackle illness](#), 14 of October Feb 2021

¹⁰⁴⁷ Ibid

¹⁰⁴⁸ IACHR, Press Release: access, 2 October 2020

Gavi Vaccine Alliance, UNICEF, the Pan American Health Organization (PAHO) and the World Health Organization (WHO). In this process, the Office of the Special Rapporteur observes international cooperation, for example, in the case of the donation of 11,700 doses of the Pfizer COVID-19 vaccine by the United States on September 21.¹⁰⁴⁹¹⁰⁵⁰

684. Also, with respect to other measures taken by the government of Dominica, the REDESCA notes that, in August, due to the increase in COVID-19 cases in the country, the Prime Minister announced an extension of the existing curfew until August 17, 2021, with additional exemptions. The new curfew will expand the areas of exemptions to include people who collect their social security payments, renewal of insurance policies, purchase of vehicle parts and services of delivery of groceries, fishing, medicines and things of that nature.¹⁰⁵¹¹⁰⁵²

B. Climate Emergency and Human Right to Water

685. Regarding climate change and the impact, it generates on the enjoyment of the right to a healthy environment, the REDESCA notes that, in October, following the appearance of photos showing dead fish scattered on Rockaway Beach in Canefield, they raised concerns about possible water pollution in the area. In this context, the REDESCA notes that the director of Pesca, said that after the preliminary investigation of the fisheries division has not yielded evidence of water contamination in that place. After this fact, the Office of the Special Rapporteur notes that many people speculated that water pollution was the cause of companies operating in this area.¹⁰⁵³

686. Likewise, the Office of the Special Rapporteur observes that, as part of the efforts to build a climate-resilient nation and to reduce its dependence on fossil fuels, the Government of the Commonwealth of Dominica announced plans for the construction of a new geothermal plant, which will ensure that the country runs on renewable energy to reduce energy costs and carbon emissions. and so that it is also a source of jobs, hoping that it can start operating in 2023. With regard to the financing of this project, THE REDESCA notes that the Government, in order to boost energy and the green economy, has partnered with donor organizations such as the World Bank, the Caribbean Development Bank, island developing states and the Clinton Foundation; and in turn, the country's Citizenship by Investment Program will provide some of the funding.¹⁰⁵⁴¹⁰⁵⁵

687. In this regard, the Office of the Special Rapporteur notes that the Government, in conjunction with the Renewable Energy Fund of the United Arab Emirates-Caribbean, announced an agreement for

¹⁰⁴⁹ PAHO, Dominica receives the first COVID-19 vaccines through the COVAX Facility, 6 of April Feb 2021

¹⁰⁵⁰ US Embassy in Barbados, United States Donates 11,700 Pfizer Vaccines to Dominica, 22 of September Feb 2021

¹⁰⁵¹ WIC News, Dominica extends curfew till August 17 with additional exemptions, August 9, 2021

¹⁰⁵² Ibid

¹⁰⁵³ Dominica News, Fisheries Division rules out contamination in case of dead fish on Rockaway beach, 15 of October Feb 2021

¹⁰⁵⁴ Think Geoenergy, Dominica's geothermal plant planned to operate by 2023, August 11, 2021

¹⁰⁵⁵ Ibid

a hurricane-resistant clean energy project. The US\$50 million development in Dominica will support a 5 megawatt/2.5 megawatt-hour battery energy storage system, which will help achieve the country's energy targets.¹⁰⁵⁶

688. Regarding measures that the country has adopted regarding the impact of climate change on various ESCERs, the mandate notes that, since the devastating impact of Hurricane Maria in 2017, strategic measures to promote climate resilience have been implemented from Dominica. In this regard, the REDESCA notes that in recent years Dominica has invested heavily in the construction of sustainable infrastructure such as housing, roads, weather-resistant bridges and in the construction of a geothermal plant to provide clean energy to its population. Much of these key infrastructure projects have been significantly supported by Dominica's Citizenship by Investment (CBI) Program.¹⁰⁵⁷

C. Labor and Trade Union Rights

689. Regarding the enjoyment of the labor rights of the people of Dominica, the REDESCA notes that as a result of the impact of COVID-19 on the country's economy and the consequent need to increase efficiency in its operations, Dominica Electricity Services Limited (DOMLEC) removed several positions in its Engineering, Transmission and Distribution department. In response to this decision, it was made known to the Waterfront and Allied Workers Union (WAWU), as well as to those directly affected, providing them with dismissal packages, and they were offered paid training in small business management so that they could establish themselves as contractors.¹⁰⁵⁸

D. Fiscal and Economic Policies

690. With regard to economic and fiscal policies adopted by the Government of Dominica, the REDESCA takes note of what was announced by the Prime Minister of the country about the fact that in the 2021 – 2022 budget set for July 28, it is intended to increase the percentage of staff of the Social Welfare Division to help combat sexual abuse, especially against children.¹⁰⁵⁹

691. Not only have WHO and PAHO helped more Dominican citizens receive the COVID-19 vaccine in Dominica, but the World Bank Group has also offered support to help Dominica recover from the

¹⁰⁵⁶ Europe Press, [Dominica and UAE and Caribbean Renewable Energy Fund partner on clean energy](#), 10 May 2021

¹⁰⁵⁷ PR newswire, [Dominica Prepares for Hurricane Season with Help from Citizenship by Investment](#), 8 of July Feb 2021

¹⁰⁵⁸ Dominica news, [DOMLEC reduces operating costs in response to economic impacts](#), 21 of April Feb 2021

¹⁰⁵⁹ Dominica News Online, [2021-2022 budget to include provision to help strengthen fight against sexual abuse](#), 26 of July Feb 2021

- pandemic, providing the Dominican Government with US\$25 million for COVID-19 relief, in order to lay the groundwork for long-term economic recovery.¹⁰⁶⁰
692. The REDESCA also highlights that during the announcement of the fiscal budget for 2021 – 2022, the Government of Dominica reported on the creation of a National Sports Council to oversee a new fund for sports clubs and athletes.¹⁰⁶¹
693. On the other hand, the REDESCA welcomes that Dominica has topped the list of the annual CBI Index report, published by the Financial Times' Professional Wealth Management magazine regarding the best citizenship by investment programs. The study measures the performance and attractiveness of 14 CBI programs in various indicators that it calls "pillars", obtaining Dominica the highest score in six of the nine "pillars": Minimum investment outlay, obligation to travel or reside, ease of processing, due diligence, family and product certainty.¹⁰⁶²

E. Education, science, technology: academic freedom and university autonomy

694. Regarding the right to education, and especially taking into account the impact that the pandemic has generated on the enjoyment of it, the REDESCA highlights that the Government distributed on October 25 smart tablets enabled for internet to primary school students in Castle Bruce. At this ceremony, the Minister of Education and Human Resource Development stated that they aim to help students continue their virtual learning, as it is not clear even when face-to-face classes will be able to resume.¹⁰⁶³
695. Faced with this, the REDESCA recognizes the efforts made by the Government of Dominica in guaranteeing access to education in times of pandemic, and recalls the recommendations made to the American States by the IACHR regarding ensuring that children and adolescents have access to online education without exclusions. through support systems, communication strategies and accessible content.¹⁰⁶⁴
696. In connection with this, the REDESCA notes that the Government of Dominica is investing in the education sector to improve the learning experience of students, Also, a new building for Tete

¹⁰⁶⁰ The Bail Project, COVID-19 VACCINATION IN DOMINICA, 21 of July Feb 2021

¹⁰⁶¹ PR newswire, Dominica to Establish a National Sports Trust Fund with Citizenship by Investment Funds, 2 of August Feb 2021

¹⁰⁶² Notimérica, FT PWM ranks Dominica as the best citizenship by investment program for 5 consecutive years, August 18, 2021

¹⁰⁶³ WIC news, Minister Octavia Alfred handovers smart devices to primary school students in Castle Bruce, 26 of October Feb 2021

¹⁰⁶⁴ CIDH, SACROI COVID-19 Practical Guides How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic?, December 16, 2020

Morne Primary School was completed, the Dominica Grammar School plan is also finalized and Montreal Management Consultants Est (MMCE) has begun work.¹⁰⁶⁵

¹⁰⁶⁵ Ibid

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697. Regarding the situation of ESCER in Ecuador, the Office of the Special Rapporteur has followed up on the enjoyment of the right to health in the country, taking special note of the impacts of the pandemic on this right, as well as the responses and measures adopted by the State, including, among others, economic and fiscal policies. Likewise, the REDESCA has monitored the environmental situation of the country, observing with concern the various climatic phenomena that have occurred, as well as the impact of business activities on human rights. On the other hand, the mandate has followed the situation of the enjoyment of the right to education and of labor and trade union rights, as well as the situation of human mobility, particularly at the country's borders. These strategic lines are developed in greater detail below.

A. Right to Health and its Social Determinants

698. Regarding the health emergency caused by COVID-19, the REDESCA notes that, according to official figures, at the beginning of December 2021, Ecuador had a total of 526,615 infections and more than 33,219 deaths due to COVID-19. On the other hand, it is noteworthy that in terms of the immunization process, according to the country's vacunometer, so far there are a total of 11,335,166 complete vaccination tables (with the two doses), in addition to a total of 398,374 booster doses.¹⁰⁶⁶¹⁰⁶⁷

699. In this context, the REDESCA takes note of the efforts made by the authorities and health personnel. Particularly, in the face of the vaccination process against COVID-19, it is highlighted that the first version of the Vaccination Plan to prevent Covid-19 in Ecuador was completed on December 29, 2020, and to date has a coverage rate of 70.42% of the population.¹⁰⁶⁸

700. The REDESCA highlights the work carried out by the Ecuadorian Government to meet the goals of the vaccination plan, since the so-called "vaccine diplomacy" proved to be very effective, and in favor of the health of the population. In addition, it takes note of the operational deployment of the more than 520 vaccination centers, which were fundamental to the success of the vaccination plan.¹⁰⁶⁹

701. In this scenario, the process developed in the Tagaeri-Taromenane Intangible Zone, located in the province of Orellana, where a technical pilot was carried out, in addition to a series of pharmacological follow-ups to the people who would be vaccinated voluntarily and informed, is also highlighted. With these actions, the Ecuadorian Ministry of Health guaranteed the preservation of the living cultural heritage of the intangible area, which are the indigenous peoples in voluntary isolation. These measures take on special relevance, since they would be in line with what was established by the IACHR, in that States must prioritize the inoculation of people at

¹⁰⁶⁶ Ministry of Health of Ecuador, update of Covid-19 cases, December 1, 2021.

¹⁰⁶⁷ Ministry of Health of Ecuador, Vacunometer, November 29, 2021.

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ World Bank Ecuador the country that defeated the nightmare of the pandemic in 100 days, October 18, 2021.

highest risk of contagion, including indigenous peoples who experience geographical limitations.¹⁰⁷⁰

702. In line with the above, this Office of the Special Rapporteur welcomes the efforts of the Ecuadorian Government to implement the 9/100 vaccination plan, since its main objective is to guarantee the human right to health of the population of Ecuador, including members of the various peoples of the country, seeking to provide them with greater security over the immunization process implemented. This is the result of the permanent work of socialization and information implemented by the Ministry of Public Health. Another strategy was a periphoning in rural areas, church speakers and delivery of printed information. The intention of these campaigns was to activate local authorities such as governors, political lieutenants, among others, to maintain a direct dialogue with indigenous leaders (presidents of nationalities), religious leaders and varied opinion generators. Also, as a field strategy, strategic teams trained to solve problems in situ have been transferred to each location with the support of national and international organizations, in order to generate confidence and awareness of the benefits of immunization.¹⁰⁷¹

703. The Office of the Special Rapporteur in turn highlights the importance of coordination between the Ministry of Public Health and the European Union in Ecuador, through the Emergency Fund for Human Rights in Brussels in conjunction with the Ecumenical Commission on Human Rights and the Ecuadorian Fund Populorum Progressio, which promotes the vaccination plan for indigenous nationalities and peoples of different provinces of the country. It should be noted that the action is carried out within the framework of the project "Protection of human rights defenders of indigenous peoples and Afro-descendant peoples and their communities for the defense of life and in the face of the exacerbation of threats generated by external actors in the context of the Covid 19 pandemic", whose main line of action is to support communities to access public health services.

704. This inter-institutional cooperation has allowed the vaccination process for the Waorani communities, starting with the most remote ones, those of Twino and Bataboro that are at the end of the Via Auca, and those that inhabit the Shiripuno and Cononaco rivers, which are located in the Tagaeri-Taromenane Intangible Zone. The Directorate of Follow-up and Monitoring of the Protection of Indigenous Peoples in Voluntary Isolation of the Secretariat of Human Rights, the Parish GAD of Coonaco, the organization of the Waorani Nationality of Ecuador (NAWE), the FEPP, Hivos and Fundación Ríos have participated in this process. There was also support from the governorates of Orellana and Pastaza and the armed forces of Ecuador.¹⁰⁷²

705. In broader terms and with respect to the right to health in general terms, the Office of the Rapporteur observes with concern the challenges to guarantee the right to sexual and reproductive health in the country as a result of the COVID19 pandemic. In particular, problems have been noted in family planning, which consists of deciding if you want to have children and how many, according to the social, economic and personal circumstances of the woman, man or

¹⁰⁷⁰ Trade, [Vaccination against covid-19 to Waorani population began this Thursday, July 1](#), July 2, 2021.

¹⁰⁷¹ The Telegraph, [The Government arrives with vaccines to rural sectors](#), July 8, 2021.

¹⁰⁷² Europa.eu, [European Union and its partners promote vaccination of indigenous population in Ecuador](#), July 14, 2021.

- couple, In this regard, there has been a significant reduction in the scheduling of appointments for general and family medicine consultations, obstetrics, gynecology, pediatrics, psychology, among others. In addition, there are indicators that show a decrease in the provision of contraceptive methods of up to 35%. Thus, between March and June 2020, the delivery of contraceptive methods decreased by 35.97%, compared to the same period in 2019. Faced with this point, it is noteworthy that the IACHR established in its Resolution 1/2020 that States must guarantee the availability and continuity of sexual and reproductive health services during the pandemic.¹⁰⁷³¹⁰⁷⁴
706. Likewise, the REDESCA expresses its concern about the shortage of medicines in hospitals in Ecuador, since this problem affects the right to health of the population, because even though there are affiliations to the Ecuadorian Institute of Social Security, in the day to day there are those who cannot be properly treated due to the lack of supplies.¹⁰⁷⁵
707. On the other hand, the REDESCA expresses its concern about the poor quality of pre-hospital care that the residents of the country may have due to the lack of equipment of the ambulances, in particular this lack translates into paramedics who work in ambulances of the Ministry of Health with damaged oxygen tanks, resuscitation equipment without battery and ventilators for the transfer of intubated patients that do not work. Without a doubt, this is of great importance, because the care that people receive in ambulances is essential to save their lives.¹⁰⁷⁶
708. The REDESCA also notes that there is an increase in deaths of kidney patients as a result of the debt to pay for supplies, medicines and personnel that the government has. In this scenario, the life and health of around 12,000 sick people who require specific attention are compromised. Therefore, the Office of the Special Rapporteur on ESCER urges the authorities to implement actions and development plans that help solve this problem.¹⁰⁷⁷
709. With regard to the situation of pregnant women, the REDESCA is concerned about the drastic increase in deaths in this group. A report by the Ministry of Public Health revealed that lack of medical care is the main cause of this. In 2020, the Ministry of Public Health reported 160 maternal deaths. Although the number is relatively low, it means the worst year since 2015 and represents an increase of 30% compared to 2019, when 123 of these deaths were reported. It is also noteworthy that, among the women who died after giving birth in 2020, the Ministry of Public Health identified girls and young women under 19 years of age, despite the fact that the highest number of deaths was concentrated in mothers between 30 and 34 years old. Therefore, the REDESCA invites the Ecuadorian authorities to guarantee the right to health of women in the country.¹⁰⁷⁸

¹⁰⁷³ Trade, [Coronavirus limited access to sexual and reproductive health in Ecuador](#), August 3, 2021.

¹⁰⁷⁴ IACHR, [Resolution 1/2020](#), April 10, 2020.

¹⁰⁷⁵ Firstfruits [Teodoro Maldonado Carbo, a hospital with more problems than medicines](#), August 5, 2021.

¹⁰⁷⁶ Ecuavisa, [Ambulances in Quito with damaged oxygen tanks and battery-free resuscitation equipment](#), July 7, 2021.

¹⁰⁷⁷ The Universe, [Deaths of renal patients continue: there are already 13 months of government debt with the dialyzers](#), July 12, 2021.

¹⁰⁷⁸ Firstfruits [Maternal mortality grows in Ecuador, amid the pandemic](#), June 18, 2021.

710. However, on the other hand, the REDESCA takes note of the effects and crises faced by the middle class in Ecuador. This is important to highlight, because, in the country, the middle class has been reduced from 33.3% to 30.4%. On the other hand, the report's poverty projections indicate that the country rose from 25.4% in 2019 to a range between 29.5% and 31.9% in 2020. Likewise, in Ecuador almost half of Ecuadorian households reported running out of food in the last 30 days due to lack of money. World Bank surveys also revealed that nearly half of household members in Ecuador were unable to access medical services or treatment during the quarantine.¹⁰⁷⁹

B. Climate Emergency and Human Right to Water

711. The REDESCA has received information about the crisis of the Sblo Centran community, where water is scarce and of poor quality, this as a result of pollution and the lack of public policies that prevent this problem, which is why few crops prosper and the lands of 109 families, in addition to being very small, they do not generate profitability.

712. In relation to the above, some medical reports from the Health Unit indicate that there are many children under 5 years of age who have an alarming delay in weight and height, a reality that impacts around 59 communities in Chimborazo. Statistics from the Ministry of Public Health show that 44% of Chimborac children are malnourished and in particular indigenous inhabitants are the most affected, since lack of water and malnutrition cause problems in physical, intellectual and emotional development. In particular, the consumption of poor quality water has serious consequences. In this regard, the presence of heavy metals, bacteria and parasites has been noticed.¹⁰⁸⁰

713. On the other hand, the Office of the Special Rapporteur takes note of the problems that exist in the Andean paramo, the largest reservoir of water and carbon sinks in Ecuador. In this regard, the main problem would lie in the abuse of extractive companies in this area, since there are a total of 28,000 mining concessions granted to different companies. Years ago, the activity and abuses of the companies would have forced inhabitants of the area to organize and create a defense committee to stop the passage to mining projects that intend to exploit gold, silver and copper in the open-pit moors. This generates an important problem in the region and directly affects its inhabitants, since they have even become criminalized only for being opponents of extractive companies.¹⁰⁸¹

714. The REDESCA has received information about the unusual flooding of the Papallacta River, which has been caused by the increase in rainfall to levels not recorded in past years. Such a situation would be a consequence of climate change. This phenomenon would worry OCP Ecuador and Petroecuador, so acting responsibly before the environmental environment, took timely measures such as the evacuation of personnel and the suspension of pumping of the pipeline in the area. Importantly, since April 2020, pipelines have been affected by the phenomenon of regressive

¹⁰⁷⁹ The Universe, [The middle class in Ecuador is reduced and passes into vulnerability and poverty](#), June 26, 2021.

¹⁰⁸⁰ Trade, [Alarm over high rate of child malnutrition in Ecuador](#), August 5, 2021.

¹⁰⁸¹ Business-Human Rights, [Ecuador: 14 opposition community members of the southern mountain range dismissed against 28,000 mining concessions to Cornestore, Guayacán Gold and Sol Gold, but the judicial process continues](#), July 7, 2021.

- erosion of the Coca River. That is why the REDESCA calls on the Ecuadorian State to implement measures based on a human rights approach to face these new phenomena that threaten its population and the environment.¹⁰⁸²
715. The REDESCA also takes note of the crisis in which the Yasuní species find themselves due to oil exploitation. While it is true that the country's main source of income is oil, hydrocarbon exploitation would put at risk the Amazon, one of the places with the most biodiversity in the world, since a large number and variety of living organisms coexist there. This Office of the Rapporteur has warned that activities such as the oil, mining, and timber industries, as well as the construction of land routes and other illegal activities such as commercial hunting and wildlife trafficking, seriously threaten the region's ecosystems.
716. It is noteworthy that the Yasunidos collective issued a statement rejecting the oil policy of the current government, as they consider it a regressive policy by which indigenous and biodiverse territories have been destroyed to maintain the power of the elites. In the same way, they consider that state policy will deepen extractivism, guaranteeing exorbitant profits and impunity to oil companies. In turn, they pointed out that the policy is directed against indigenous peoples and nationalities that will be affected by the expansion of the oil border in the south east of the Amazon and in the Yasuní. In this context, the REDESCA recalls that, in the report on business and human rights, it has pointed out that the right to development must be sustainable, for this, the focus must necessarily be on the well-being and rights of individuals and communities rather than on economic statistics and commodities, taking into account that the definition of the right to development includes the right to a particular process in which they can be realized. fully all fundamental rights and freedoms. ¹⁰⁸³¹⁰⁸⁴
717. However, the REDESCA has also received information about the demands that the Ecuadorian government has received for the construction of the road that threatens yasuní Park and indigenous peoples of the region who are in isolation. Specifically, representatives of several social and environmental organizations filed a lawsuit for precautionary measures against the Ecuadorian State for the construction of a road that crosses the Yasuní Park, in oil block 43 or ITT, and that is located a few meters from the buffer strip of the intangible zone of indigenous people in isolation. It is noteworthy that the concern is that construction activities would affect the flora and hunting animals on which isolated indigenous peoples depend and pose a greater likelihood of encounters with the Western world. In this context, in turn, the imminent risk of contagion with COVID-19 would be fatal for the Tagaeri and Taromenane populations.¹⁰⁸⁵

C. Business and Human Rights

718. This Office of the Special Rapporteur has warned of the alarming number of companies that have closed in the country as a result of the effects of the coronavirus pandemic and the periods of

¹⁰⁸² The Universe, [Flood of the Papallacta River generates alerts in OCP and Petroecuador pipelines](#), July 21, 2021.

¹⁰⁸³ Infobae, [Ecuador: Yasuní species are endangered by oil exploitation](#), July 21, 2021.

¹⁰⁸⁴ REDESCA, Business and Human Rights Report: Inter-American Standards, OAS/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019

¹⁰⁸⁵ Mongabay, [They sue the Ecuadorian government for the road that threatens Yasuní Park and indigenous peoples in isolation](#), October 6, 2021.

restrictions applied. In this sense, the implementation of actions by the Ecuadorian State that can reverse the negative effects that the pandemic has had on this sector is of great importance, in particular because these effects have brought with it an important impact on the human rights of the affected people. In line with the above, the International Labor Organization assures that 43% of companies in Ecuador disengaged personnel¹⁰⁸⁶¹⁰⁸⁷

719. The REDESCA takes note of the crisis of the Coca Codo Sinclair Power Plant, which is the largest hydroelectric plant in the country with an installed capacity of 1,500 megawatts. Faced with this situation, the Office of the Rapporteur urges the governments involved to join forces to solve the problem of the regressive erosion of the Coca River. Faced with this situation, the REDESCA has received information on the impacts that this fact has had on the rights of individuals, particularly for indigenous peoples in the sector. According to civil society organizations, around 27,000 indigenous people from 109 communities continue to experience the effects of pollution on their bodies and territories, together with the risks associated with regressive erosion of rivers, including possible new spills. ¹⁰⁸⁸¹⁰⁸⁹

720. The REDESCA highlights the Ecuadorian government's effort to promote environmentally responsible mining. The foregoing, by virtue of Executive Decree No. 151, which provides for an action plan for the mining sector. This has the main objective of developing environmentally and socially responsible mining, determining the local geological potential, enhancing national and foreign investment, implementing best practices for the use of these resources, as well as establishing the design of a comprehensive strategy to eradicate illegal mining in the country. In addition, the Government promoted the generation of regulations on the processes of prior, free and informed consultation of indigenous peoples and nationalities in cases in which government decisions or authorizations may influence their territories, in accordance with the guidelines determined by the Constitutional Court. ¹⁰⁹⁰

721. The Office of the Special Rapporteur takes note of the mining sector's initiative to support communities. It is noteworthy that, with the aim of promoting the development of the communities in which their projects operate, mining companies have been implementing a series of projects that seek to boost the economy, education and health of their inhabitants. Among its main social investment projects are the hiring of local labor. Likewise, the social compensation and compensation program contemplates the maintenance of roads and the construction of adaptations in different communities, as well as the delivery of supplies and materials to communities and institutions. Without prejudice to this, for the development of these activities, the REDESCA reiterates the importance of ensuring that respect for human rights is placed at the center of these activities and the active participation of communities is ensured. ¹⁰⁹¹

¹⁰⁸⁶ DW [More than 22,000 companies disappeared due to the pandemic in Ecuador](#), July 6, 2021.

¹⁰⁸⁷ Ibid.

¹⁰⁸⁸ Firstfruits [Ecuador Asks U.S. for Help over Threat of Regressive Erosion of Coca Codo](#), March 24, 2021.

¹⁰⁸⁹ Alliance for Human Rights Ecuador, [TODAY MARKS A YEAR OF IMPUNITY FOR ANOTHER OIL SPILL IN THE NORTHERN AMAZON](#), April 7, 2021

¹⁰⁹⁰ PV Magazine, [Ecuador aspires to environmentally and socially responsible mining](#), August 9, 2021.

¹⁰⁹¹ Look [Mining sector undertakes initiatives to support communities](#), October 5, 2021.

722. In this regard, the Office of the Special Rapporteur expresses its alarm at the complaints made by civil society organizations where harassment and harassment actions have been registered against the inhabitants of the Buenos Aires sector in the country's highlands. According to the organizations, on August 3, around 4 a.m. 500 police arrived in the community, while, apparently, a group of soldiers would have gone directly to the area of the mining concession of the Australian company Hanrine.¹⁰⁹²
723. Then around 7 a.m. about 10 trucks with heavy machinery, vans and workers of the company guarded by the National Police entered. According to the leaders of Buenos Aires, the operation of the mining company would be illegal, since it has not complied with the environmental consultation or the free and informed prior consultation with the communities that make up the parish and the Awá de Palmira commune.¹⁰⁹³
724. In addition, the REDESCA notes with concern that the initiation of a civil proceeding for damage has been denounced against seven defenders of the territory of the commune of Barranquilla de San Javier, located in the canton of San Lorenzo, Province of Esmeraldas. The lawsuit was filed by the company Energy & Palma S.A. of the business group La Fabril, for an amount of 320,000 dollars. This occurs in a context where the commune is claiming for the ownership of its land and for the environmental impacts and health of the activities of the companies in the territory. In this regard, the REDESCA takes note of the statement made by the United Nations Special Rapporteur on Human Rights Defenders, in which it was stated that such action against human rights defenders would be unacceptable.¹⁰⁹⁴¹⁰⁹⁵
725. The REDESCA expresses its concern about the various events in which there would be a direct participation of companies in possible violations of human rights. In this regard, the REDESCA reminds the State that the behavior of companies could also compromise the international responsibility of the State directly when it is linked to conduct, whether active or omissive, of State agents that imply their acquiescence or collaboration in accordance with international standards.¹⁰⁹⁶
726. In this regard, the REDESCA urges the State, within the framework of its international obligations, to undertake the development of a comprehensive prevention strategy, through which risk factors are addressed in a timely manner and the institutions involved are strengthened so that they can provide an effective response to the facts that could cause the violation of rights. The REDESCA also recalls that States must adopt particular preventive measures in situations where it is clear that certain groups of persons, because of their membership of a group in a situation of

¹⁰⁹² Alliance for Human Rights Ecuador, [Hanrine Mining Company forcibly enters Buenos Aires](#), August 3, 2021

¹⁰⁹³ Alliance for Human Rights Ecuador, [Hanrine Mining Company forcibly enters Buenos Aires](#), August 3, 2021

¹⁰⁹⁴ Alliance for Human Rights Ecuador, [Defenders of the commune of Barranquilla face demand from palm oil company for 320,000 dollars](#), 25 July 2021

¹⁰⁹⁵ UN Special Rapporteur on Human Rights Defenders, [Pronouncement in Social Networks](#), December 2, 2021

¹⁰⁹⁶ REDESCA, Business and Human Rights Report: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 75

vulnerability, may be victims of violations of their rights within the framework of the business activity in question.¹⁰⁹⁷

D. Labor and Trade Union Rights

727. The REDESCA has received information on the alarming figures of informality and unemployment in Ecuador, a country that currently faces one of the largest employment crises in its history, with more than 5.7 million people unemployed or with an inadequate job. In particular, until May 2021, the number of contributory and non-contributory affiliates to the Ecuadorian Social Security Institute was 3.2 million, of which 2.88 million members are contributory (who pay their contributions) and 710,551 are non-contributory affiliates.¹⁰⁹⁸¹⁰⁹⁹

728. In addition, the economically active population, that is, the working-age population, is made up of 8.3 million people, of these 4.8 million are men and 3.4 million are women. Importantly, young people between the ages of 15 and 24 have the least access to adequate employment and a greater share of unemployment statistics. Only 9% of people with adequate employment are young people, while 35.4% of these people were unemployed in June 2021.¹¹⁰⁰

729. This Office of the Special Rapporteur observes that the effects on the employment situation of young people have worsened due to the pandemic, since several sources of employment have been destroyed in the country, mainly harming young people from 18 to 29 years of age. According to the International Labor Organization, there are around three million young people in Ecuador, representing 25% of the working-age population. The deterioration of the labor market for young people is also manifested by underemployment. According to the National Institute of Statistics and Censuses (INEC), as of May 2021, 17.8% of Ecuadorian youth aged 15 and 24 were underemployed. Also, according to the report, two out of 10 young people say their work has become more physically demanding.¹¹⁰¹

E. Fiscal and Economic Policies

730. Against this strategic line, the Law of Economic Development and Fiscal Sustainability is highlighted, a regulation that has the principles of progressivity, justice and protection of the most vulnerable people.¹¹⁰² The REDESCA observes that, according to the State, the execution of this law contributes to the construction of a new path towards the reactivation of the country and the generation of employment for people who need it. This law was published on November 29, 2021 and would be a cluster of tax, customs, investment, hydrocarbon, banking and financial reforms,

¹⁰⁹⁷ IACHR, Business and Human Rights Report: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 94

¹⁰⁹⁸ Firstfruits [Government recognizes that the figures of informality and unemployment are dramatic](#), August 2, 2021.

¹⁰⁹⁹ FIAP International, [Ecuador: In one year, the IESS \(pay-as-you-go pension system\) lost 8.6% of the members who pay their contributions](#), March 17, 2021.

¹¹⁰⁰ Firstfruits [Government recognizes that the figures of informality and unemployment are dramatic](#), August 2, 2021.

¹¹⁰¹ Firstfruits [In Ecuador, informality hits young people hardest](#), July 13, 2021.

¹¹⁰² Government of Ecuador, [Official Statement](#), November 29, 2021.

which are consolidated as innovations that seek to boost the economic development of the country.¹¹⁰³

731. However, the REDESCA notes that, according to civil society organizations, these regulations and other attempts at fiscal flexibility could attenuate the State's ability to generate conditions to guarantee all human rights, especially ESCER. In this regard, civil society has pointed out that before adopting austerity measures, job insecurity or financial and commercial deregulation, international human rights standards on consultation, transparency and social participation must be put into practice. Evaluation processes need to have impact studies on the progressivity of economic, social and cultural rights.¹¹⁰⁴

732. Considering the above, the REDESCA welcomes the fact that the State is making efforts to curb the economic crisis, equalize the trade balance and address fiscal problems that afflict the country. However, the REDESCA reminds the State that when adopting policies, measures and sanctioning legal norms in this area, the progressivity of ESCER must be ensured, so that the implementation of measures that imply regression in the face of their guarantee would go against the guarantee of these rights. In line with the above, the State must be held accountable for how the available resources have been mobilized to the maximum to progressively achieve the full realization of these rights.¹¹⁰⁵

733. In this sense, the REDESCA reiterates that in any adoption of possible austerity measures, such as economic or fiscal reforms that may affect the access and enjoyment of ESCER, it is ensured that citizens and especially the groups that are in a situation of greater vulnerability are adequately informed and consulted, forming part of the decision-making processes and participating in the policies of implementation and evaluation of the impact of advanced measures.¹¹⁰⁶

F. Education, science, technology: academic freedom and university autonomy

734. The REDESCA has received information on the impact of Executive Decree 145, which has four main objectives: the promotion and reactivation of educational institutions with flexible and innovative modalities, the incorporation of technological and digital tools, the transparency of information and the simplification of procedures. In the same way, this decree proposes facilities in the authorization process for the operation of educational institutions, since procedures and requirements are simplified. Also, in the exercise of their autonomy, schools that do not receive

¹¹⁰³ PBP, The Organic Law for Economic Development and Fiscal Sustainability is published after the COVID-19 Pandemic, November 30, 2021.

¹¹⁰⁴ Centre for Economic and Social Rights, COMMUNIQUÉ BY INTERNATIONAL HUMAN RIGHTS DAY: THE POLICIES OF FISCAL AUSTERITY AND LABOR FLEXIBILITY VIOLATE HUMAN RIGHTS, December 10, 2021

¹¹⁰⁵ IACHR, IACHR Presents Observations on Its Visit to Ecuador, January 14, 202

¹¹⁰⁶ IACHR, IACHR Presents Observations on Its Visit to Ecuador, January 14, 2020

state texts may choose those that comply with the mandatory national curriculum, appropriate to their institutional philosophy and the socioeconomic context of the families.¹¹⁰⁷

735. On the other hand, the REDESCA takes note of what UNICEF said in relation to education in Ecuador, specifically it was stressed that education must be a priority and cannot be stopped, even more so in an emergency such as that caused by COVID-19. Guaranteeing this human right is the only way to ensure that all children and adolescents have meaningful learning, are protected, can grow up healthy and develop their full potential. In this sense, the REDESCA welcomes the campaign implemented by the Ministry of Education of Ecuador, together with UNICEF, UNESCO and UNHCR, which sought to promote access, permanence, learning and educational promotion in Ecuador.¹¹⁰⁸
736. However, the Office of the Special Rapporteur takes note of the changes that have taken place in the country regarding access to universities, among which there was news of the elimination of the Access to Higher Education exam, this in order to improve the opportunities to pursue a university career for the Ecuadorian population. Likewise, the government placed special emphasis on the effort to implement policies especially aimed at encouraging the inclusion of historically excluded groups.¹¹⁰⁹

G. Human Mobility and ESCER

737. The Office of the Special Rapporteur takes note of the efforts of the Ecuadorian authorities to reach an understanding between the Office of the United Nations High Commissioner for Refugees in Ecuador and the International Labor Organization. In particular, the objective was to intensify the right to decent work of refugees, migrants and others of concern in host communities, through social and political dialogue to remove legal, technical, administrative and other barriers that hindered access to sustainable livelihoods. Specifically, the areas of cooperation were the promotion of integral solutions and protection of the right to work, the collaboration of the institutional capacities of the government, the collaboration in processes of data collection and analysis and exchange of information regarding the situation of refugees and migrants, the proposal of strategies of labor integration and economy for the refugee and migrant population, together with collaboration in the promotion of cohesion and conflict prevention through social dialogue platforms and communication channels.¹¹¹⁰
738. The REDESCA welcomes the project for the inclusion of Venezuelan migrants implemented in the country. In particular, this project is an initiative of different organizations in Ecuador that seeks to improve the lives of 70% of Venezuelan migration in conditions of vulnerability and extreme poverty. The project is divided into three important axes: health, employment and recovery. Its objective is that migrants can have access to health and work services, so that they are included in

¹¹⁰⁷ Trade, [What changes in Education with Executive Decree 145?](#), August 4, 2021.

¹¹⁰⁸ UNICEF [Prioritizing education for all children is the road to recovery](#), January 14, 2021.

¹¹⁰⁹ The Universe, [Senescyt announces the elimination of the Higher Education Access Exam \(EAES\): it will implement transform test and vocational orientation test](#), June 15, 2021.

¹¹¹⁰ UNHCR - ILO, Memorandum of understanding between the Office of the United Nations High Commissioner for Refugees in Ecuador and the International Labor Organization, August 5, 2021.

the Ecuadorian economy. To this end, this project will use mechanisms of economic and social inclusion. Importantly, at least 450,000 Venezuelan migrants are in Ecuador.¹¹¹¹

739. The REDESCA takes note of the economic and social crisis generated by the COVID-19 pandemic, as well as the profound impacts on the entire social fabric. In particular, the blow to the labor market has been felt by all the participants, as opportunities for access and participation in this market have been diminished, including opportunities for nationals and foreigners. In this context, and at the request of the International Labor Organization (ILO), the Chamber of Industries and Production (CIP) of Ecuador, qualitative research was carried out focused on determining certain barriers that may exist when hiring people in a situation of human mobility. The study found that the country has tools to generate formal employment for foreign citizens and protect them from practices at odds with ethics aimed at exploiting this group.
740. With this in mind, the REDESCA takes note of its efforts in this area and recognizes in turn the issuance of visas with work permits, which have helped to improve the conditions of migrants. However, this Office of the Rapporteur also reiterates that there are still gaps and cultural barriers to close between migrant and Ecuadorian employees. Some of the most important pending issues are related to articulating the work between various public and private actors, various NGOs, international organizations, development banks, among other actors, to put into practice an ecosystem of labor inclusion, which constitutes a space to solve the challenges that exist for a more effective insertion of the population in a situation of human mobility.¹¹¹²

15) EL SALVADOR

741. Regarding the situation of ESCER in El Salvador, the REDESCA looks with concern that despite the high vaccination rates and other measures to appease the effects of the pandemic; poverty and inequality are continuous. For its part, the REDESCA, while acknowledging that the State has carried out a successful inoculation campaign, also notes the ineffectiveness of accountability and transparency processes in aspects related to health and education. Similarly, the Office of the Special Rapporteur maintains special attention to the facts related to the guarantee of the right to water in the country.

A. Right to Health and its Social Determinants

742. In relation to the right to health, in particular the situation of the general management of the pandemic, the REDESCA takes note of the different efforts that the State has made to move forward with the vaccination process, as well as certain complaints made by health unions regarding the working conditions for people who work in the sector.
743. With regard to the vaccination process in the country, the State informed the Office of the Special Rapporteur of the implementation of the National Plan for the Deployment of Vaccination Against SARS-Cov-2 (hereinafter the National Vaccination Plan) with the aim of providing providers of the Integrated Health System with the technical administrative procedures for the management of the

¹¹¹¹ The Journal, [SER inclusion: what is the Ecuadorian project aimed at Venezuelan migrants about?](#), September 21, 2021.

¹¹¹² Relief Web, [Tacit and explicit barriers to the employment of people in a situation of human mobility in Ecuador](#), July 25, 2021.

- provision of vaccination services. in a timely, effective and free manner, to the Salvadoran population, with emphasis on groups vulnerable to complications, in order to prevent and control the COVID-19 pandemic.¹¹¹³
744. According to the information sent by the State, the vaccination process began on February 17 with the vaccination of health and frontline personnel. By September 13, vaccination would have begun for children from 6 to 11 years old, becoming the first country in Central America to inoculate children against COVID-19.¹¹¹⁴
745. In the same way, the REDESCA notes that the State has also acquired vaccines on its own directly from pharmaceutical companies as well as through the WHO COVAX mechanism. To this end, the State reported that it has an instruction for the purchase of vaccines which was issued in order to comply with the Law for the use of medical treatment products in exceptional public health situations caused by the COVID-19 pandemic. ¹¹¹⁵As of October 5, 2021, the Office of the Special Rapporteur notes that a total of 7,717,946 people have been inoculated, of which 4,135,720 have received the first dose, 3,488,144 the second dose, and 94,082 a third dose.¹¹¹⁶
746. However, the REDESCA notes with concern that Civil Society organizations for their part have questioned the issuance of the aforementioned Law since some provisions of this could lead to undesirable consequences in the framework of transparency and access to information of the public administration. In this regard, the regulations indicate in article 8 that the contracting institutions may sign and be bound by binding terms and conditions with national and foreign suppliers prior to the signing of definitive contracts.¹¹¹⁷
747. However, the REDESCA welcomes that on October 20, 2021, the Legislative Assembly reformed the normative body indicating that the immunity granted through article 4 of said law "does not extend to any act of fraud, bribery, corruption, theft, counterfeiting or piracy, trafficking of stolen goods or similar criminal activity, derived from the provision of any product or service related to the public health situation caused by the pandemic of the covid-19".¹¹¹⁸

¹¹¹³ Government of El Salvador, Report of the State of El Salvador to the REDESCA in response to the questionnaire on the distribution, access and acquisition of vaccines against covid-19 in oas member countries, MPOEA-OEA-122/2021, October 5, 2021

¹¹¹⁴ Government of El Salvador, Report of the State of El Salvador to the REDESCA in response to the questionnaire on the distribution, access and acquisition of vaccines against covid-19 in oas member countries, MPOEA-OEA-122/2021, October 5, 2021

¹¹¹⁵ Government of El Salvador, Report of the State of El Salvador to the REDESCA in response to the questionnaire on the distribution, access and acquisition of vaccines against covid-19 in oas member countries, MPOEA-OEA-122/2021, October 5, 2021

¹¹¹⁶ Government of El Salvador, Report of the State of El Salvador to the REDESCA in response to the questionnaire on the distribution, access and acquisition of vaccines against covid-19 in oas member countries, MPOEA-OEA-122/2021, October 5, 2021

¹¹¹⁷ Health with Magnifying Glass, [El Salvador: Law Passed Granting Immunity for Irregular Purchases in Pandemic](#), May 5, 2021

¹¹¹⁸ ElSalvador.com, [Assembly amends the questioned "Law" Alabi](#)", 20 October 2021; Legislative Assembly, [Health Commission rules in favor of reforming the law for the use of medical treatments in order to avoid acts of corruption](#), 18 October 2021

748. However, the REDESCA notes with concern that in this same aspect it was reported that the State would have hidden the cost of the first batch of 20,000 vaccines against COVID-19 that arrived in the country on February 17 from India.¹¹¹⁹ For their part, civil society organizations pointed out that in this context the lack of information is constant about taking and carrying out tests, information regarding the amount of drugs that were obtained, and even the contracts that would have been made to produce advertising slots to promote State services in the context of the pandemic.¹¹²⁰ To this is added a generalized feeling of distrust in the figures that would be promulgated by the State authorities, especially at the beginning of the vaccination processes, given the difficulties that many people encountered to realize their inoculation.¹¹²¹
749. Along these lines, the REDESCA is aware of the State's response to the request for information made by this IACHR office regarding the country's vaccination process. With regard to mechanisms for access to information, the State reported that there is a Manual of Procedures for Active Pharmacovigilance for SARS-Cov-2 Vaccine in the National Integrated Health System.¹¹²² However, it does not mention any type of mechanism to ensure transparency and social control over the processes of procurement and distribution of vaccines.
750. On the other hand, in relation to the situation of people working in the health sector, according to data from the Union of Medical Workers of the Salvadoran Institute of Social Security (SIMETRISSE), they would have registered in a single medical center at least 26 deaths of health professionals due to COVID-19 and more than 16 workers of the nursing service; not including administrative and support staff. In this sense, the union would have requested the management of the Salvadoran Social Security Institute that the death of health personnel or due to suspicion of COVID-19 be considered as death due to occupational risk so that family members receive the benefit according to law.¹¹²³
751. Similarly, SIMETRISSE would have made several complaints about the improvisation in the response by the State, in the face of the increase in CASES OF COVID-19. In this regard, the REDESCA highlights that the union would have indicated that in the health homes the pandemic would be collapsing hospital services; because the measures would not be taking into account key factors such as lack of training for personnel and the lack of biosecurity measures in transition spaces.¹¹²⁴

¹¹¹⁹FACTUM, Salvadoran government hides costs and vaccination plan of first doses against Covid-19, February 18, 2021

¹¹²⁰ IACHR, 180th Regular Period of Sessions, Hearing No. 14: General Situation of Human Rights in El Salvador, June 30, 2021

¹¹²¹ The Lighthouse, [Experts question how the government vaccinated thousands in a single day](#), April 14, 2021

¹¹²² Government of El Salvador, Report of the State of El Salvador to the REDESCA in response to the questionnaire on the distribution, access and acquisition of vaccines against covid-19 in oas member countries, MPOEA-OEA-122/2021, October 5, 2021

¹¹²³ ElSalvador.Com, [Doctors' Union calls for death from COVID-19 to be considered as an occupational risk](#), 17 March 2021

¹¹²⁴ The Graphic Press, [SIMETRISSE denounces collapse due to covid-19 and puts ultimatum to Social Security](#), 22 September 2021

752. The REDESCA welcomes the progress in the vaccination schemes that the State has made, as well as the processes to ensure their acquisition in such a short time. However, the REDESCA is concerned that the processes of transparency and access to information in the contexts of guaranteeing the right to health are not being given the same speed.
753. In this regard, the Office of the Special Rapporteur reminds the State that it is a duty for State authorities to inform the population, and that, in pronouncing on the matter, they act with diligence and have a reasonable scientific basis. In this regard, it is pertinent to emphasize that States are obliged, under human rights law, to provide reliable and disaggregated information on the pandemic, avoiding the promotion of disinformation.¹¹²⁵
754. Therefore, the REDESCA urges the State to comply with its obligations regarding access to information in the context of the pandemic in those contemplated in Resolution 1/2020 of the IACHR. Specifically, the REDESCA urges El Salvador to ensure the existence of accountability mechanisms and access to justice for possible violations of the right to health, in the context of pandemics and their consequences, including abuses by private actors and acts of corruption or state capture to the detriment of human rights.¹¹²⁶

B. Climate Emergency and Human Right to Water

755. Regarding the climate emergency in the country and its impacts on the enjoyment and enjoyment of human rights, in particular ESCER; THE REDESCA takes note of a project carried out by the United Nations Development Programme (UNDP) and the State to accelerate nature-based climate action. This initiative will apply nature-based solutions to address droughts, extreme weather events, floods and other climate change-related impacts that are increasing poverty, malnutrition and migration in the country. Similarly, the REDESCA observes that the State has not submitted its updated NDCs within the framework of COP26, however, the State indicated that they are under review and that they would be working in a participatory manner in their formulation.¹¹²⁷¹¹²⁸
756. of the pronouncement of several civil society organizations where they highlight that the current health and climate crisis is having a differentiated impact particularly on women. According to their statement, the organizations point out that the multiple crises, and specifically the recent effects of hurricanes in the region, have come to reinforce stereotypes and traditional gender roles associated with the role of women, as well as the patriarchal culture, reaffirming unjust and unequal power relations.¹¹²⁹
757. Additionally, one of the issues that may have a direct impact on the country is the rise in sea level on the Salvadoran coast. In this regard, civil society has reiterated the need for the State to have evacuation plans and local/national response, these plans must identify safe territories for the relocation of the population that has dignified conditions. In this same sense, the organizations

¹¹²⁵ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 2020

¹¹²⁶ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 2020, para. 16

¹¹²⁷ UNDP [El Salvador accelerates nature-based climate action](#), 8 September 2021

¹¹²⁸ El Salvador [El Salvador arrived at COP26 without new commitments against the climate crisis](#), November 15, 2021

¹¹²⁹ Vulnerable Central America Forum, "From the Climate Crisis to Social Action: An Urgent Call for Socio-Environmental Justice," October 2021

- have asked the State to take adaptation and mitigation measures, in order to transform extractive development models to more sustainable models. In that sense, they have pointed out that the challenge for environmental and climate resilience is to move from generation to protection and conservation.¹¹³⁰
758. Therefore, in order to establish conditions to generate these structural changes, the State must make efforts to consolidate institutions in environmental matters. However, the REDESCA looks with concern that in the framework of the dismissal of magistrates through a legislative decree sponsored by the governing party; on September 27, the magistrates of the Environmental Chamber of San Salvador left.¹¹³¹
759. On the other hand, the REDESCA in this context, aware of the multiple effects of the climate emergency on ESCERs, takes note of the situation of the guarantee of the right to water in the country. In this line, the REDESCA is aware that civil society organizations have urged the State to incorporate the 5 non-negotiable points presented by Civil Society and Indigenous Peoples in the proposal for a general law on water resources that is discussed in the Ad Hoc Commission of the Legislative Assembly These¹¹³²¹¹³³ are: the recognition of water as a common good and a human right, public water management, guaranteeing citizen participation in management, implementing a watershed approach in its management and finally implementing an approach of economic and financial equity so that the right is guaranteed to all people. As part of these actions, the REDESCA notes that on March 22, FESPAD as part of the National Alliance against water privatization, and the National Table Against Metal Mining accompanied the march held within the framework of World Water Day. The organizations were convinced of the urgent need for integrated water management to guarantee sustainability and the right to life.¹¹³⁴
760. In this regard, the Office of the Special Rapporteur observes that these measures will serve to mitigate the water supply crisis affecting the country. According to data from civil society, in the Metropolitan Area of San Salvador (AMSS), between October and November 2020, it was noted that almost 40% of the population faced problems of drinking water supply. In fact, the organization Ecos El Salvador estimates that 12% of the AMSS population — equivalent to about 180,000 people — had to buy water from pipes because the supply was insufficient.¹¹³⁵
761. In its recommendation 41, the IACHR urged the State to recognize in the domestic legal system the human right to drinking water and sanitation, promote a comprehensive and coordinated administration of the resource as a public good from a rights-based perspective, and ensure that water use permits and agreements with companies on this resource do not jeopardize the effective

¹¹³⁰ Vulnerable Central America Forum, "From the Climate Crisis to Social Action: An Urgent Call for Socio-Environmental Justice," October 2021

¹¹³¹ Magazine Factum, Environmental Chamber that stopped damage to river dismantled Sensunapán, 28 September 2021

¹¹³² Vulnerable Central America Forum, "From the Climate Crisis to Social Action: An Urgent Call for Socio-Environmental Justice," October 2021

¹¹³³ The Lighthouse, Five non-negotiable points for the Water Law, 20 July 2021

¹¹³⁴ FESPAD, Social organizations demand the approval of a General Water Law, 22 March 2021

¹¹³⁵ The Economist, Access to water remains limited in El Salvador, 29 March 2021

realization of the human right to water. Similarly, the REDESCA reiterates the following recommendation of the IACHR's country report for the State in relation to this issue:

44. Adopt measures and designate resources for the effective creation of a national authority to supervise the guarantee of access to water from a human rights framework by national and local authorities and companies involved in its administration or distribution. Likewise, to ensure that water use permits and agreements with companies on this resource do not jeopardize the effective realization of the human right to water.

762. Finally, the REDESCA urges the State to redouble its efforts in environmental matters, for which it urges the prompt ratification of the Escazú Agreement by the authorities and makes itself available to provide its technical assistance in this regard.

C. Business and Human Rights

763. In relation to companies and their human rights obligations, the REDESCA takes note of various situations in which business activities in the country have negatively impacted the effective enjoyment of human rights. In this regard, the REDESCA is aware that the State does not currently have an action plan for business and human rights, nor other regulations that apply in this context. In particular, the Office of the Special Rapporteur takes note of the information provided by the Office of the Human Rights Ombudsman of El Salvador to the United Nations that indicates that in the context of the COVID-19 pandemic, companies have violated the human rights of workers by carrying out dismissals, suspensions of work and employment contracts, arbitrary closure of factories, including the denial of social benefits from labor.¹¹³⁶

764. In this regard, it was indicated that these cases have been brought to the attention of the Ministry of Labor, which is the specialized entity. However, it should be noted that the Attorney General's Office also decided to investigate the actions of this Secretary of State, considering that its actions were extremely biased, which led to the declaration of responsibility for omission, for violation of labor rights.¹¹³⁷

765. Given the current situation that the country faces, the REDESCA notes with concern that there are still issues that have not been timely addressed by the State to mitigate the impacts of business activities on human rights. In this regard, the Office of the Special Rapporteur reminds the State that it has the obligation to guarantee the human rights recognized in the inter-American system, which implies the duty to organize the entire governmental apparatus and, in general, all the structures through which the exercise of public power is manifested, in such a way that they are capable of legally ensuring the free and full exercise of human rights. As a consequence of this obligation, States must act with due diligence to prevent, investigate and punish any violation of the rights recognized by the Convention and also seek the restitution, if possible, of the violated

¹¹³⁶ Human Rights Ombudsman's Office of El Salvador, [Information provided to the UN Working Group on Business and Human Rights](#), November 30, 2020

¹¹³⁷ Human Rights Ombudsman's Office of El Salvador, [Information provided to the UN Working Group on Business and Human Rights](#), November 30, 2020

right and, where appropriate, reparation for the damage caused by the violation of human rights.¹¹³⁸

766. In this regard, the REDESCA reminds the State that, in its most recent country report, it recommended to the State Punctually, the Commission and the REDESCA recommended that El Salvador promote the adoption of measures to implement inter-American standards related to the field of business and human rights. The Office of the Special Rapporteur is available to support the State in these efforts.

D. Labor and Trade Union Rights

767. In relation to the guarantee of labor and trade union rights, the REDESCA notes that with regard to the actions that have been promoted by the State to promote the exercise of citizen representation, it is highlighted that since 2019 the reactivation of the Superior Labor Council was promoted, with the support and accompaniment of the most representative delegations of the business unions, workers' organizations, government authorities and members of the International Labor Office (ILO), which put an end to six years of fracture of tripartite social dialogue in El Salvador, marking a starting point for the construction of agreements and promotion of actions.¹¹³⁹

768. Along these lines, the REDESCA is aware that, within the framework of the work of the ILO Committee of Experts on the Application of Conventions and Recommendations, some essential recommendations have been made to the State for compliance with Convention No. 98 on the right to organize and collective bargaining, and Convention No. 87 on freedom of association. With regard to Convention No. 98, the reactivation of the Higher Labor Council is a measure that was welcomed by the ILO and which the REDESCA also welcomes.¹¹⁴⁰

769. On the other hand, with regard to Convention No. 87, the Office of the Special Rapporteur is aware that the ILO noted that the Government: (i) affirms that the fines that may be imposed in relation to violations of labor regulations (such as anti-union discrimination) are very low (up to \$57.14 per violation), including in comparison with the sanctioning regime on risk prevention in the workplace (which ranges from four to \$28). minimum wages), and (ii) reports that, although since 2014 proposals for reforms have been presented to increase the number of fines related to labor regulations, the Legislative Assembly has not yet pronounced. Regretting the lack of progress in this regard and reiterating the importance of effectively dissuasive fines imposed in cases of anti-union discrimination, the ILO called on the Government, after tripartite consultation, to take

¹¹³⁸ IACHR and REDESCA, Business and Human Rights Report: Inter-American Standards, OAS/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 81

¹¹³⁹ Government of El Salvador, Report of the State of El Salvador to the IACHR regarding the Request for Information on the Annual Report, October 1, 2021

¹¹⁴⁰ OIT, Informe of the Committee of Experts on the Application of Conventions and Recommendations: International Labor Conference No. 109, p. 142-143

- effective measures to establish a deterrent sanctioning regime, while firmly hoping to see progress in the near future.¹¹⁴¹
770. However, the REDESCA expresses its concern regarding the calls for attention made by the entity in relation to the attacks by the State against the National Association of Private Enterprise. In this context, the agency asked the State to send information on the complaints it received regarding the lack of knowledge by the State to Javier Silmán, president of the guild since April 2020.¹¹⁴²
771. On the other hand, in relation to fair, equitable and safe working conditions, particularly for people working in the health sector, the REDESCA notes with concern that through a memorandum dated 12 May, the Regional Directorate of Health of the Central Zone of the Ministry of Health has informed the Coordination of the Division of Regional Health Services and the Coordination of SIBASI of La Libertad that the Court of Accounts has observed the delivery of \$150 to health personnel who during the pandemic were under home protection. In that sense, the health authorities are forcing these personnel to sign a document in which they commit to reimburse a total of \$ 300 through six discounts of \$ 50.¹¹⁴³
772. The REDESCA looks with concern at the willingness of the health authorities to withdraw the special payment that was recognized to health personnel during the pandemic. The REDESCA reminds the State that in the context of the pandemic (and especially in the guarantee of the right to health), the protection of the labor and trade union rights of workers in the sector is fundamental.
773. In this regard, IACHR Resolution 4/2020 is clear in mentioning that states must adopt measures for the effective protection of health and care workers who professionally care for people with COVID-19, who fulfill a special function of defending human rights, ensuring the construction of contexts and environments free of harassment and threats.¹¹⁴⁴ Additionally, the REDESCA recalls in the framework of the protection of the rights of these people, it is in the public interest to promote their social recognition, ensure the mental support and care of these workers and caregivers who professionally care for people with COVID-19.
774. Finally, the REDESCA urges the State to follow its recommendations in its country report to adopt specific measures in accordance with international standards that guarantee the rights to work and their fair and equitable conditions of women working in domestic services and maquilas, in particular work within the textile industry under the homework scheme. It is recommended that the State ratify ILO Conventions 177, 189 and 190 and implement its recommendations Nos. 184 and 201 on the subject.}

¹¹⁴¹ OIT, Informe of the Committee of Experts on the Application of Conventions and Recommendations: International Labor Conference No. 109, p. 142-143

¹¹⁴² The World, El Salvador returns to ILO blacklist for violating labor rights, 28 May 2021

¹¹⁴³ The Graphic Press, Government of El Salvador asks for return bonus of \$ 150 that gave to health personnel, May 18, 2021

¹¹⁴⁴ IACHR, Resolution 4/2020: Human Rights of Persons with COVID-19, July 27, 2020, para. 41

E. Fiscal and Economic Policies

775. In the context of fiscal and economic policies, the REDESCA notes that, according to the World Bank, the poverty rate in the country would have decreased between 2007 and 2019 from 39% to 22.3%. Similarly, the Gini index fell from 0.54 to 0.38 in 2019, becoming the lowest in the region.¹¹⁴⁵ However, in the context of the pandemic, poverty increased from 5.5% of households in extreme poverty in 2019 to 8.6 by 2020.¹¹⁴⁶ According to civil society organizations, 75% of all trade comes from the informal sector. Consequently, the 90 days of confinement during the first months of the pandemic would have generated high rates of malnutrition and significant loss of income.¹¹⁴⁷ In this regard, the REDESCA notes that significant efforts are being made to reduce inequality rates in the country, however, structural challenges that the pandemic has exacerbated still persist.
776. In this regard, the Office of the Special Rapporteur observes the implementation of the proposed Social Development Plan 2019-2024 (PDS), which contains concrete actions in the short and medium term, with a long-term vision, in the area of combating poverty, early childhood care, and the creation and consolidation of a new educational and health system. the fight against and elimination of the scourge of violence, the generation of employment and contributory and non-contributory social protection, in order to advance towards social transformation.¹¹⁴⁸
777. Additionally, the REDESCA takes note of the expansion of the Poverty Eradication Strategy for the care of families in extreme poverty through the Social Investment Fund for Local Development of El Salvador (FISDL). To this extent, the government has increased social investment to unprecedented levels in 2021, raising education, health and security budgets. The Education budget is \$1,320.4 million, which represents an increase of \$281.2 million and, for the first time in history, an investment of 5% of the GDP projected for 2021. The Health budget also reaches a record figure of \$1,304.3 million, with an increase of \$276.5 million, which means an investment of 3.9% of the related GDP. Social investment for the five-year period would prioritize spending on populations in the most vulnerable and excluded conditions, citing the principle of distributive justice and closing inequality gaps.¹¹⁴⁹
778. On the other hand, the REDESCA takes note of the acceptance by the country of the cryptocurrency known as Bitcoin, as legal tender. In this regard, the REDESCA takes note of the observations made by the IMF, in which it points out that, although the law maintains the dollar as a national unit of account, it obliges economic agents to accept Bitcoin, provided that there are no technical impediments. In that sense, the IMF pointed out that the risks emanating from the adoption of Bitcoin as legal tender, the new payments ecosystem and the sale of Bitcoin must be controlled. Crypto-technologies, as well as digital means of payment such as Chivo, have the

¹¹⁴⁵ World Bank, El Salvador: Overview, October 6, 2021

¹¹⁴⁶ Government of El Salvador, Report of the State of El Salvador to the IACHR regarding the Request for Information Annual Report of the IACHR, October 1, 2021

¹¹⁴⁷ FESPAD, Human Rights Evaluation Report in El Salvador, February 24, 2021

¹¹⁴⁸ Government of El Salvador, Report of the State of El Salvador to the IACHR regarding the Request for Information on the Annual Report, October 1, 2021

¹¹⁴⁹ Government of El Salvador, Report of the State of El Salvador to the IACHR regarding the Request for Information on the Annual Report, October 1, 2021

potential to make payments in a more efficient way and thus promote financial inclusion and economic growth. Given Bitcoin's high volatility, its use as legal tender involves risks to consumer protection, the integrity of the financial system, and financial stability. Its use can also cause tax contingencies and environmental damage. Because of those risks, the IMF believes that Bitcoin should not be adopted as legal tender, recommending limiting the scope of the Bitcoin law, as well as strengthening the regulation and supervision of the new payments ecosystem. The REDESCA will continue to be attentive to the follow-up to the issue, such as its possible impact on the ESCER of the population of El Salvador, including the healthy environment.¹¹⁵⁰

779. In another vein, the REDESCA reiterates what the IACHR said in the country report of El Salvador, which indicates that in addition to experiencing deprivations that directly impact the exercise of the rights of people living in poverty in El Salvador, these have been particularly affected by acts of violence both during the internal armed conflict. as after the restoration of peace. Likewise, this situation implies unequal access to justice and low or no participation in the processes of construction of public policies or decision-making.¹¹⁵¹

780. In this regard, the Commission and the REDESCA take note of the measures planned and adopted to combat poverty and call on the State to continue implementing public policies aimed at eradicating poverty and extreme poverty in a comprehensive, transversal manner based on the human rights approach, in a scenario of broad citizen participation and transparency. For its part, the REDESCA also urges the State to review its monetary policy with respect to cryptocurrencies within the framework of the recommendations made by international financial organizations and other bodies and seek to generate fiscal policies that do not exclude people in a situation of greater vulnerability and that can make their living conditions precarious.

F. Education, science, technology: academic freedom and university autonomy

781. With regard to the right to education, the REDESCA notes that the State has made efforts in the educational system to give continuity to the school year, establishing a multimodal distance learning platform that included the certification of teachers (Google classroom), online and televised classes, as well as printed guides. At the same time, to reduce the digital divide, through the Ministry of Education, Science and Technology, computers are being delivered to 1.2 million students in the public system (one computer per student).¹¹⁵²

782. In session of August 23, 2021, the Social Welfare Cabinet and its Intersectoral Committee endorsed the incorporation of the program "Universal access to educational technologies" to the Universal Social Protection Subsystem, for its subsequent authorization by the President of the Republic, within the framework of the Law on Development and Social Protection. With this program of the Ministry of Education, Science and Technology, it will go beyond providing technological

¹¹⁵⁰ IMF [El Salvador: Statement by Technical Staff at the End of the Article IV Mission for 2021](#), November 22, 2021

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¹¹⁵² Government of El Salvador, Report of the State of El Salvador to the IACHR regarding the Request for Information on the Annual Report, October 1, 2021

- equipment to students and teachers (computers and software), incorporating them into the universe of the use of technologies as educational and training tools.¹¹⁵³
783. However, the Office of the Rapporteur draws attention to the fact that, according to information provided by civil society organizations, the State would not have provided information on the costs of efforts to reduce the digital divide in education. Therefore, the details about its objectives, duration, scope, activities, goals, monitoring and evaluation indicators, estimated costs and sources of financing are publicly unknown.¹¹⁵⁴
784. Additionally, the REDESCA notes that the teachers' unions Simeduco, Andes 21 de Junio, SEDESA and Bases Magisteriales, among others, made a call to the Minister of Education, to suspend face-to-face classes and end the school year virtually, due to the increase in teaching staff infected and deceased due to COVID-19. The guild estimates that since the pandemic began to date, about 200 teachers have died, but since the quarantine was lifted, about 60 have died. However, it is not ruled out that they may be more considering that the unions in their social networks every day are reporting deaths of teachers because of the virus. Similarly, REDSCA notes that on average 70 schools were closed as preventive measures so that there are no more infected in these educational communities.¹¹⁵⁵¹¹⁵⁶
785. For its part, the State indicated that the return to school will be "safe, gradual, blended and optional," so parents can decide whether to take their children or not. If they choose to continue with virtual classes, students will continue to have access to the multiple platforms enabled for educational continuity, as well as the tools that the government has guaranteed them permanently. Likewise, it was reported that the educational centers that are ready for the return, with the prior authorization of the Ministry of Health, will receive from the Ministry of Education all the necessary supplies for the biosecurity of students and teachers. In addition, the Ministry of Health will maintain constant monitoring to verify that all biosecurity measures are met in all educational centers. To this is added that the State reiterated that the country would be one of the first in Central America that if schools were fully opened, it would do so with all its teaching staff vaccinated.¹¹⁵⁷¹¹⁵⁸
786. The REDESCA welcomes the efforts that the State is making for an effective attention of the entire educational system to shorten the digital divide. This can help to improve learning rates and, above all, to reduce dropout rates. However, the REDESCA urges El Salvador that all processes of formulation and implementation of public policy have comprehensive mechanisms of

¹¹⁵³ Government of El Salvador, Report of the State of El Salvador to the IACHR regarding the Request for Information on the Annual Report, October 1, 2021

¹¹⁵⁴ FUSADES, Public Policy Note No. 11: Closing the Digital Divide in Education: What Should We Look At More to of computer delivery?, March 2021

¹¹⁵⁵ Elsalvador.com, Teachers' unions warn that covid cases have risen in schools, 22 September 2021; <https://twitter.com/Maurici33238675/status/1394480295567626240?s=20>

¹¹⁵⁶ The Graphic Press, Salvadoran teachers ask that they suspend student attendance and end the year virtually, 21 September 2021

¹¹⁵⁷ San Diego Tribune, El Salvador Announces Return of Students to Classrooms, 10 March 2021

¹¹⁵⁸ Diario La Huella, El Salvador is the first country in the region to open schools with all teachers vaccinated against COVID-19, April 6, 2021

accountability, participation and social control. This is since the effective guarantee of ESCERs means having the mechanisms so that citizens can be informed about how the State is using public funds in all matters.

787. In this regard, the REDESCA calls on the State to implement the recommendations of Resolution 1/2020 on pandemic and human rights, which indicates that States have the obligation to ensure the existence of mechanisms for accountability and access to justice in the face of possible violations of human rights, including ESCER, in the context of pandemics and their consequences, including abuses by private actors and acts of corruption or state capture to the detriment of human rights.

G. Human Mobility and ESCER

788. In relation to the guarantee of ESCER to people in situations of human mobility, the REDESCA takes into account the efforts that the State is making in order to be able to address the structural causes that generalize the movements of people. Among these measures, the REDESCA highlights the Territorial Control Plan, which in addition to proposing a security strategy, also implemented a mechanism to generate opportunities for the development of opportunities for the population known as Urban Centers of Well-being and Opportunities.¹¹⁵⁹

789. In this sense, he explained that they are also working to include refugees and displaced people in the different response and care plans. As an example of the above, since October 19, vaccination against COVID-19 was enabled for foreigners, including people living with irregular status and tourists. Also, all health services, prevention, care, treatment and follow-up, including testing for COVID-19, are provided free of charge to migrants who require it.¹¹⁶⁰

790. However, the REDESCA notes that, according to Civil Society organizations, in the context of return policies from the United States to the countries of origin, in the case of El Salvador, there is no clarity on the figures of people deported from the United States and Mexico during the pandemic. Human rights organizations have denounced the lack of transparency in the number of people deported and their health conditions. No official figures are known from Migration authorities or the Ministry of Health on the number of returnees who have tested positive for COVID-19.¹¹⁶¹

791. In this regard, the REDESCA calls on El Salvador to generate and publish official records on the returned population and their health circumstances, as well as to consider in a special way the causes underlying human mobility related to the enjoyment of ESCER of its population.

¹¹⁵⁹ Presidency of El Salvador, [President Najib Bukele Launches phase IV of the Territorial Control Plan](#), July 19, 2021

¹¹⁶⁰ Ministry of Foreign Affairs, [El Salvador presents advances and challenges for peace linked to human mobility in the subregion](#), November 9, 2021

¹¹⁶¹ CEJIL, [human mobility in Mesoamerica](#), September 2020

16) UNITED STATES

792. With regard to ESCER in the United States, the Office of the Special Rapporteur has closely followed the progress of several events that have marked the social agenda in the country. In the context of the pandemic, the REDESCA takes note of the efforts that the State has made to guarantee immunization to all people in the country, the rates of unvaccinated people and the skepticism around the vaccine have slowed down the efforts by the State to stop the advance of the virus. In the same vein, there have been several litigations around the mandatory nature of COVID-19 vaccines for people working in different areas, imposed by local and state governments, as well as by the federal government.

793. Additionally, the REDESCA also highlights that this year it has registered several unionization processes in various industries throughout the country, which has meant a resurgence of the trade union movement in the country. Finally, with respect to aspects related to human mobility and respect for and guarantee of ESCER, the Office of the Special Rapporteur has been monitoring the processes of internment of people in a situation of mobility, as well as the use of Title 42 as a deportation measure based on the prevention of public health.

A. Right to Health and its Social Determinants

794. In relation to the pandemic, the REDESCA welcomes the progress made by the State in relation to the vaccination process in the country. Specifically, according to data from the Centers for Disease Control (CDC), as of November 9, 2021, a total of 194,164,611 people are registered vaccinated in their entirety with the full schedule.¹¹⁶² However, the Office of the Special Rapporteur is concerned that according to figures from public institutions, of the number of people who have been admitted to hospitalization for COVID-19, more than 95% are those who have not received any of the doses of the vaccine.¹¹⁶³

795. Despite this situation, the REDESCA takes note of the actions implemented by the State to guarantee universal access to vaccines in the country. In that sense, according to information provided by the State Department of the country, during the second phase of the implementation of the national vaccination plan which is focused on three main levels: access and equity, demand generation and motivations.¹¹⁶⁴

796. To that extent, the State informed the Office of the Special Rapporteur that the formulation of public policies regarding vaccination was developed between the CDC and the Advisory Committee on Immunization Practices (ACIP), which published a series of findings regarding studies on vaccine distribution. observing ethics in its implementation. In that sense, the State has reiterated that the government has provided vaccines against COVID-19 to all people living in the United States, free of charge without taking into account factors such as citizenship, immigration

¹¹⁶² CDC, COVID-19 Vaccinations in the United States, November 9, 2021

¹¹⁶³ CDC, COVID-19 Vaccinations in the United States, November 9, 2021

¹¹⁶⁴ U.S. Department of State, Permanent Mission of the United States to the OAS, U.S. Government Response to the REDESCA Request on distribution, Access, and Procurement of COVID-19 Vaccines, October 26, 2021

- status or their health coverage. The State also stressed that local and state jurisdictions cannot add additional requirements to those established by the federal government.¹¹⁶⁵
797. For its part, the REDESCA observes that the State has implemented a series of tools for the creation of vaccine allocation mechanisms in the country. These include the CDC/ATSDR Social Vulnerability Index (CDC/ATSDR SVI), which aims to help communities prepare, respond to, and recover from public health emergencies by identifying socially vulnerable areas of the country based on factors such as socioeconomic status and race/ethnicity. This work emphasized the importance of considering social vulnerability in the response to the pandemic and provided information that could be used in vaccine allocation and planning.¹¹⁶⁶
798. It is important to emphasize that, in the context of the advance of the pandemic, the Office of the Special Rapporteur notes that almost 52% of new cases of COVID-19 are of the DELTA variant; of which 99.7% would be those people who have not received any dose of vaccine. However, the REDESCA recalls that according to the CDC of the country, they noted that the overall effectiveness of the vaccine (EV), adjusted for age against new cases of COVID-19 for all adults decreased from 91.8% to 75.0%. Over the same period, overall age-adjusted VE versus hospitalization remained relatively stable, ranging from 89.5% to 95.1%.^{1167,1168}
799. Likewise, this federal government entity has concluded that the currently authorized vaccines have a high efficacy against hospitalization for COVID-19, but the efficacy against new cases seems to have decreased in recent months, coinciding with the increase of the Delta variant from <2% to >80% in the US region that includes New York and the relaxation of masking and physical distancing recommendations. Given this context, the REDESCA highlights that the entity has recommended the application of a stratified approach focused on vaccination, as well as other prevention strategies such as masking and physical distancing.¹¹⁶⁹
800. However, the REDESCA notes with concern that, earlier this year, with around 4 in 10 health and care workers, they would not have been vaccinated with any doses. Nationally, about 59% of nursing home staff have been vaccinated, significantly fewer than the 80% of residents who are vaccinated, according to Medicare. And some states have much lower vaccination rates, around 40%. Therefore, the data indicated in CDC publications collected by the press; indicate that COVID-19 deaths and infections in care facility personnel have decreased since the start of mass

¹¹⁶⁵ U.S. Department of State, Permanent Mission of the United States to the OAS, U.S. Government Response to the REDESCA Request on distribution, Access, and Procurement of COVID-19 Vaccines, October 26, 2021

¹¹⁶⁶ U.S. Department of State, Permanent Mission of the United States to the OAS, U.S. Government Response to the REDESCA Request on distribution, Access, and Procurement of COVID-19 Vaccines, October 26, 2021

¹¹⁶⁷ CBS News, [Almost all new COVID-19 cases are among people who have not been vaccinated](#), July 10, 2021

¹¹⁶⁸ Rosenberg ES, Holtgrave DR, Dorabawila V, et al. New COVID-19 Cases and Hospitalizations Among Adults, by Vaccination Status — New York, May 3–July 25, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1306–1311. DOI: <http://dx.doi.org/10.15585/mmwr.mm7037a7external icon>

¹¹⁶⁹ Rosenberg ES, Holtgrave DR, Dorabawila V, et al. New COVID-19 Cases and Hospitalizations Among Adults, by Vaccination Status — New York, May 3–July 25, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1306–1311. DOI: <http://dx.doi.org/10.15585/mmwr.mm7037a7external icon>

- vaccination in January; however, since July there has been an increase in cases which has caused concerns.¹¹⁷⁰¹¹⁷¹¹¹⁷²
801. Similarly, this Office of the Special Rapporteur notes with concern that vaccination rates among the different categories of health personnel are affected by the widespread inequality that is replicated in society. In this sense, a study reported that among the professions that are with greater health coverage would be medical professionals from all branches, followed by nursing staff and finally auxiliaries and logistical support from health centers. One of the concerns is that the nursing staff and auxiliaries in this sample, who have the most contact with patients, had the lowest vaccination coverage. Outbreaks of COVID-19 have occurred in hospices where residents were vaccinated, but transmission occurred through unvaccinated staff members.¹¹⁷³¹¹⁷⁴
802. This finding also has implications for equity: national data indicated that nursing home aides are disproportionately women and members of racial and ethnic minority groups, with an average hourly wage of between \$13 and \$15 per hour; helpers are also more likely to have underlying conditions that put them at risk for adverse COVID-19 outcomes. Since vaccination was made available on site and lower vaccination rates reflected higher rejection rates, indecision in vaccination could have been a major contributing factor to under-vaccination in these centers.¹¹⁷⁵
803. This situation also generates a complex situation, given that, by August of this year, at least 15% of health and care workers who have not been vaccinated, would be by a personal decision. For example, in the State of Texas, it was noted that at least half of the people working in the health sector would not be vaccinated yet.¹¹⁷⁶
804. In that sense, the REDESCA takes note of the executive order issued on September 9, 2021, which provides for the requirement of the COVID-19 vaccine to all workers of the federal government. In accordance with the regulations, it is mentioned that in accordance with federal obligations and in order to comply with the protection of the health and safety of people working in the federal government, as well as to ensure the efficiency of the civil service; it is determined that it is necessary to require COVID-19 vaccination from all federal employees, with the exceptions required by law.¹¹⁷⁷

¹¹⁷⁰ Washington Post, [More than 4 in 10 health-care workers have not been vaccinated. Post-KFF poll finds](#), 19 March 2021

¹¹⁷¹ Fox News 59, [Unvaccinated nursing home staff linked to rise in COVID-19 cases, deaths](#), 21 July 2021

¹¹⁷² CDC [COVID-19 Deaths amongst Staff and Rate per 1,000 residents](#), figures as at 12 October 2021

¹¹⁷³ Lee JT, Althomsons SP, Wu H, et al. Disparities in COVID-19 Vaccination Coverage Among Health Care Personnel Working in Long-Term Care Facilities, by Job Category, National Healthcare Safety Network — United States, March 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1036–1039. DOI: <http://dx.doi.org/10.15585/mmwr.mm7030a2external icon>

¹¹⁷⁴ *Idem*

¹¹⁷⁵ Lee JT, Althomsons SP, Wu H, et al. Disparities in COVID-19 Vaccination Coverage Among Health Care Personnel Working in Long-Term Care Facilities, by Job Category, National Healthcare Safety Network — United States, March 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1036–1039. DOI: <http://dx.doi.org/10.15585/mmwr.mm7030a2external icon>

¹¹⁷⁶ Northeastern University, [Healthcare Workers are getting vaccinated, but more still need convincing US Survey Finds](#), August 18, 2021

¹¹⁷⁷ Government of the United States, [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees](#), 9 September 2021

805. Despite this, the rates of people seeking access to the vaccine would not be rising. For example, some local governments (such as in Texas) are issuing rules that prohibit any entity (public or private) from requiring vaccination for consumers or their staff. In that sense, the Governor of Texas pointed out that, although the vaccine is the best defense against the pandemic, it must be acquired voluntarily and never coerced.¹³ However, the REDESCA notes that, according to public information, in that particular state there is an increase in COVID-19 cases recently that has even led hospitals to expand their care areas to their parking lots or common areas.¹¹⁷⁸
806. Similarly, the REDESCA is aware that the State has made efforts to strengthen its public policies in response to the pandemic. In particular, the Office of the Rapporteur is aware that, according to public information, in previous administrations the CDC would have detected public health implementation guidelines and manuals aimed at reducing the threats that COVID-19 represents.¹⁵ Additionally, the significant number of people not vaccinated may have serious implications for the management of the pandemic and be able to get out of the most critical part of the pandemic; as recognized in the preamble to Resolution 1/2021 of the IACHR.
807. According to CDC's most recent report on vaccine confidence, it was stated that misinformation about the nature of the disease has undermined general public confidence in the vaccine's effectiveness and efficacy. In addition, reference was also made to how certain public facts (such as the notoriety of some deaths of public figures), have made it possible for these messages to also be collected by a greater number of people in these contexts. Therefore, the REDESCA urges the State to implement the measures that are required to reduce the rates of disinformation and promote a culture of trust in science in all sectors of the population. To this end, the Office of the Special Rapporteur urges the State to implement the recommendations of Resolution 1/2021, which also provides guidelines for disseminating information and combating disinformation and false news around the COVID-19 vaccine.¹¹⁷⁹
808. In consideration of other ESCERs that are affected in the context of the pandemic; particularly with regard to the housing rights of people on the street or living in poverty or extreme poverty. In this sense, from the REDESCA it is careful note that the State, through the Department of Justice, on February 27 appealed the ruling of a judge who considered unconstitutional the suspension ordered by the federal government to the eviction of people unable to pay rent due to lack of work or medical expenses during the coronavirus pandemic. Prosecutors filed the corresponding notice stating that the government will appeal the decision to the Five Circuit Court of Appeals. The original ruling, handed down by U.S. District Judge J. Campbell Barker, noted that the CDC had overstepped its authority and that the suspension of evictions was illegal.¹⁶
809. However, the REDESCA takes close note of what civil society organizations have said about the housing crisis in the United States. In this regard, in the framework of a hearing at the 182nd Regular Period of Sessions, they pointed out to the Commission and the REDESCA that a housing crisis has currently emerged in the country, which has not allowed many people to access decent

¹¹⁷⁸ CNN [Texas hospital system is prepping tents to deal with rapid surge in Covid-19 patients](#), August 9, 2021

¹¹⁷⁹ CDC [Analysis Reports on Confidence in COVID-19 Vaccines: Report No. 18](#), November 10, 2021

- housing, and they are constantly living in places that are not suitable, such as cars, public parks, and even parking lots.¹¹⁸⁰
810. In that sense, civil society stressed that local governments have implemented a series of laws that criminalize poverty, through the prohibition of spending the night or resting in public spaces, harassing and prohibiting civil society activities for helping people in street situations. Additionally, it was reported that the state authorities do not support public housing programs with permanent funds. In summary, it was pointed out that there are places to live, but that people cannot access.¹¹⁸¹
811. The REDESCA recognizes the efforts that the State has made to implement ambitious programs to protect people against evictions, financial aid for rent and offer legal advice in cases that are necessary in judicial processes. However, the REDESCA is aware that the government would be willing to move towards the recognition of the human right to housing, a vision of human rights prevails linked above all to civil and political rights. At the same time, it also highlights the actions carried out within the framework of the inter-institutional coordination carried out by the Council of the Homeless at the federal level. The mandate welcomes these actions and takes note of the State's actions to address this crisis that would be affecting the dignity of people, especially in the context of the pandemic where access to basic services (including shelter, sanitation and food), is decisive to mitigate the effects of the health crisis.¹¹⁸²
812. Similarly, taking into consideration the disproportionate impacts of the pandemic, the Supreme Court said it has suspended an oral hearing on a Trump administration plan to place the Medicaid program that requires beneficiaries of the program to maintain a permanent job. The Supreme Court suspended that hearing, as the current administration has already preliminarily decided that the work requirements do not fit with Medicaid's goal of providing health care to low-income people.¹⁷
813. Similarly, health coverage still persists as a situation of concern for the mandate. According to public information, almost one in five adults in the country – 18%, some 46 million people – says that, if they needed access to quality health care today, they could not afford it. This figure is higher among adults of African descent (29%) and somewhat higher for adults of Latin American origin (21%) than for white adults (16%).¹⁸ To this is also added the situation that prices to access different medicines have risen by 4% during 2021, reversing the downward trend that had been registered in previous years. Faced with this fact, part of the public policy of the State has been to seek a strategy to negotiate the prices of medicines in the context of the public policy of building back better.¹¹⁸³¹¹⁸⁴

¹¹⁸⁰ IACHR, Hearing on the Right to Housing in the United States, 182nd Regular Period of Sessions, December 15, 2021

¹¹⁸¹ IACHR, Hearing on the Right to Housing in the United States, 182nd Regular Period of Sessions, December 15, 2021

¹¹⁸² IACHR, Hearing on the Right to Housing in the United States, 182nd Regular Period of Sessions, December 15, 2021

¹¹⁸³ Pharmaceutical Technology, [US drug prices rise over 4% in 2021 reversing multi-year trend of slowed growth](#), November 2, 2021

¹¹⁸⁴ The White House, [President Biden Announces Prescription Drug Pricing Plan in Build Back Better Framework](#), November 2, 2021

814. Finally, in relation to other significant public health issues; refers to the increase in drug overdose deaths that would have risen according to official sources. In this way, the opioid crisis in which the country would be facing continues to be present in various sectors of society and has been exacerbated by the pandemic. In that regard, the American Medical Association has asked the CDC that all health insurance in the country remove arbitrary restrictions so that more patients can access opioid recovery therapy. In particular, it draws attention to the REDESCA that, according to the Association, all states of the Union have reported an increase in deaths due to overdoses or other problems associated with drug abuse during the COVID-19 pandemic.¹¹⁸⁵¹¹⁸⁶
815. The Office of the Special Rapporteur calls on the State to carry out a general and comprehensive strategy for the guarantee of the right to health and its social determinants, from a rights-based approach that allows this situation to be addressed in accordance with the obligations derived from the OAS Charter and the American Declaration on Rights and Duties. among other applicable instruments. In that sense, it also emphasizes that the aforementioned opioid crisis also has its differentiated impacts on people who may be facing underlying medical conditions or also the lack of health coverage. Therefore, any strategy that is designed in this regard must be oriented towards the protection of the rights of people in the most vulnerable situation, including people in situations of poverty, extreme poverty and in street situations.

B. Climate Emergency and Human Right to Water

816. In the context of the impact of climate change on human rights in the country, the Office of the Special Rapporteur welcomes the leadership that the United States has exercised in this time in this area. First, the REDESCA takes note of the State's accession to the Paris Agreement on 20 January 2021. This action was part of the first actions carried out by the new administration of the executive that took place on January 20, 2021. In this same sense, the REDESCA also notes with satisfaction that the State has implemented an executive order on combating the climate crisis at the domestic and international levels. It aims to put the climate crisis at the center of U.S. international public policy and national security.¹¹⁸⁷¹¹⁸⁸
817. Additionally, as part of the strategy to address the urgent situations of inequalities in the context of the climate and environmental emergency, the executive established the White House Advisory Council on Environmental Justice (WHEJAC) with the aim of addressing long-term environmental injustices and ensuring that historically marginalized and polluted communities, The advisory council will provide advice and recommendations to the Chair of the Council on Environmental Quality (CEQ) and the White House Interagency Council on Environmental Justice on how to

¹¹⁸⁵ The New York Times, [Overdose Deaths Have Surged During the Pandemic, C.D.C. Data Shows](#), April 14, 2021

¹¹⁸⁶ American Medical Association, [Issue brief: Nation's drug-related overdose and death epidemic continues to worsen](#), November 12, 2021

¹¹⁸⁷ U.S. Department of State, [The United States Officially Rejoins the Paris Agreement](#), 19 February 2021

¹¹⁸⁸ Government of the United States, [Executive Order to Combat the Climate Crisis Abroad and at Home](#), 27 January 2021

address current and historical environmental injustices, including recommendations to update Executive Order 12898.^{1189.1190}

818. In addition, the Office of the Special Rapporteur also takes close note of the main role that the United States played in the context of COP 26 of the Framework Convention on Climate Change. In one of the main proposals made by the government in this context was the presentation of one to shorten methane gas emissions by 30% compared to 2020 levels. In the same vein, the government also emphasized the need to reduce U.S. emissions by 50 to 52 percent to 2005 levels by 2030, in order to build the capacity for an energy and development transition.¹¹⁹¹

819. Similarly, the REDESCA welcomes the other initiatives generated by the State in this context, which were directed with other countries, as well as with the private sector. Regarding the latter, the REDESCA highlights the State Department's initiative Climate Entrepreneurship for Economic Development (CEED). For its part, the REDESCA also welcomes the commitment made between the State and the government of the People's Republic of China, on several areas to meet the needs of the planet in reducing GHG emissions. In this line, both States have committed to jointly mobilize 100 billion dollars a year until 2025 to meet the needs of developing countries, seek cooperation in the establishment of the rules of the Paris agreement, and finally communicate in 2025 the NDCs contemplated for 2035.^{1192.1193}

820. In this regard, the State has also monitored it through different branches of government to verify the situation of the impacts of climate change on rights. In this regard, the REDESCA notes that the legislative branch would be debating the possibility of taxing Exxon, Chevron and other large oil and gas companies with excise taxes, stating that the largest climate polluters should pay for floods, forest fires and other disasters that scientists have linked to the burning of fossil fuels. The bill by Sen. Chris Van Hollen of Maryland directs the Treasury Department and the Environmental Protection Agency to identify the companies that have emitted the most greenhouse gases into the atmosphere between 2000 and 2019 and impose a fee on them based on the amounts they have emitted. The money would go toward clean energy research and development, as well as helping communities cope with floods, fires and other catastrophes that scientists say are increasingly destructive and frequent due to global warming.¹¹⁹⁴

821. In the context of the negotiations of President Joe Biden's plans to recover the economy through a package of reforms sent to Congress, an investigation led by a civil society organization concluded that executives of a company through different strategies so that the proposal sent by the executive lacks support. It is even indicated that part of the strategy would be to question scientific data through "shadow" groups in order to protect the investments of these corporations. In general, it

¹¹⁸⁹ The White House, [White House Announces Environmental Justice Advisory Council Members](#), 29 March 2021

¹¹⁹⁰ The White House, [White House Announces Environmental Justice Advisory Council Members](#), 29 March 2021

¹¹⁹¹ The White House, [FACT SHEET: Renewed U.S. Leadership in Glasgow Raises Ambition to Tackle Climate Crisis](#), November 13, 2021

¹¹⁹² U.S. Department of State, [Department of State Launches the Climate Entrepreneurship for Economic Development \(CEED\) Initiative](#), November 3, 2021

¹¹⁹³ Department of State, U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s, November 10, 2021

¹¹⁹⁴ New York Times, [Democrats Seek \\$500 Billion in Climate Damages From Big Polluting Companies](#), August 4, 2021

- is indicated that the objective of this effort is to prevent reforms that modify the control and tax mechanisms, to slow down progress in the research of alternative forms of energy through the provision of public funds.¹¹⁹⁵
822. On the other hand, the REDESCA sees that with concern as the escalation in devastating climatic events is increasingly recurrent in different parts of the country, during different times of the year, causing severe impacts to ESCER in different scenarios.
823. At the beginning of 2021, several blackouts caused by snowstorms that took place during the month of February were recorded in the South of Texas. There were reports of damage to water and sanitation services, electrical services and the possibility of obtaining food due to the conditions of the asphalt. Additionally, the extreme cold increased the consumption of electricity in the citizens and ended up collapsing the supply networks. In both Texas and Louisiana, 4 million people were affected by these blackouts, due to the large amount of energy required to cope with the extreme cold which is not usual in that part of the country. According to information, at least 14 people have died in connection with this cold front that unexpectedly arrived in the State.¹¹⁹⁶¹¹⁹⁷¹¹⁹⁸
824. In the same way, the REDESCA is aware that, from these impacts, the main problem was the provision of water and sanitation services in all the sectors through which the storm passed. In that sense, the REDESCA notes with concern that as a result of the effects produced to these systems it was reported that, in Texas, 7 million people – a quarter of the population of the second largest state in the country – were ordered to boil tap water before drinking it because the low water pressure could have allowed bacteria to leak into the system. Additionally, 260,000 homes and businesses in Tennessee County, which includes Memphis, were ordered to boil water due to ruptured main pipes and pumping station problems. Restaurants that can't do so or don't have bottled water were ordered to close. In Jackson, Mississippi, most of the city of about 161,000 had no running water. Crews pumped water to refill the city's reservoirs, but faced shortages of chemicals for treatment because icy roads made it difficult for distributors to deliver, Mayor Chokwe Antar Lumumba said.¹¹⁹⁹¹²⁰⁰
825. Faced with these facts, the REDESCA notes that the Federal Energy Regulatory Commission (FERC) and the NERC announced that they will open a joint investigation into the operation of the bulk

¹¹⁹⁵ Greenpeace, [Inside Exxon's Playbook: How americas biggest oil company continues to oppose action on climate change](#), June 30, 2021

¹¹⁹⁶ New York Times, [Cracked Pipes, Frozen Wells, Offline Treatment Plants: A Texan Water Crisis](#), 18 February 2021

¹¹⁹⁷ CNN, [what is the relationship between blackouts in Texas and climate change?](#)

¹¹⁹⁸ Washington Post, [Frigid, icy weather plague central and eastern U.S. while millions in Texas remain in the dark](#), 16 February 2021

¹¹⁹⁹ Washington Post, [Frigid, icy weather plague central and eastern U.S. while millions in Texas remain in the dark](#), 16 February 2021

¹²⁰⁰ AP [Southern cities hit hard by storms face new crisis: No water](#), 19 February 2021

- energy system during the extreme winter weather conditions that the midwestern and South Central states of the country are suffering.¹²⁰¹
826. In turn, expert sources have indicated that this saturation of the grid was not impacted by renewable energy sources, since the Governor of the State had attributed the failure in the electricity grid system to alternative energy sources (such as wind and solar). However, these only supply 10% of the state's energy grid.¹²⁰²
827. Additionally, other events that are of concern to the mandate have been the fires recorded on the West Coast of the country. Which have even been rated as the most powerful and destructive on record to date. According to the National Inter-Agency Center on Fires, between January 1, 2021 and December 3, 2021, 54,350 fires were recorded, which have affected more than 6 million hectares.¹²⁰³
828. In particular, the Office of the Rapporteur takes note of the Dixie (registered in July 2021), Caldor and Monument (registered in August) fires; which in total would have consumed more than 1 million hectares during this year. Consequently, in the context of this drought, federal emergencies were declared due to droughts and lack of water in the State of Arizona to Lake Mead; which is a reservoir of the Hoover Dam and provides water for human, commercial and hydroelectric consumption. This situation would be affecting the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and even parts of Mexico.¹²⁰⁴¹²⁰⁵
829. Faced with this situation, the REDESCA expresses its concern about the diverse and varied impacts of climate change in various parts of the country. From the information collected, it is clear that the impacts of climate change on the union are affecting several sectors in different ways, but with the same intensity. In this line, despite the actions that the State is taking to implement substantive changes in climate matters, reports from civil society organizations reveal concerted efforts by companies that have deliberately pushed a denialist agenda to stop any concerted effort by the State to be able to execute concrete climate actions.¹²⁰⁶¹²⁰⁷
830. The REDESCA calls on the State to seek ways to take decisive action in the face of climate change and to continue strengthening its leadership in this area, both regionally and globally. In this regard, the REDESCA reminds the State that in the context of the climate emergency, unfavorable policy decisions lead to an accelerated deterioration of the environment and have a negative

¹²⁰¹ North American Electric Reliability Corporation, [FERC, NERC to Open Joint Inquiry into 2021 Cold Weather Grid Operations](#), 16 February 2021

¹²⁰² Washington Post, [Rick Perry says Texans would accept even longer power outages 'to keep the federal government out of their business'](#), 18 February 2021;

¹²⁰³ National Interagency Fire Center, [Statistics 2021](#), December 12, 2021

¹²⁰⁴ Calfire, [Fire statistics since 1990](#), updated October 9, 2021

¹²⁰⁵ AP EXPLAINER: [Western states face first federal water cuts](#), August 17, 2021

¹²⁰⁶ Unearthed: Greenpeace, [Inside Exxon's playbook: How America's biggest oil company continues to oppose action on climate change](#), June 30, 2021

¹²⁰⁷ Inside Climate New, [Big Meat and Dairy Companies Have Spent Millions Lobbying Against Climate Action, a New Study Finds](#), April 2, 2021

impact on a wide range of human rights, including the rights to life, health, water, culture and food, as well as the right to live in a healthy environment.¹²⁰⁸

831. In that sense, it is important that the State makes every effort to establish mechanisms for climate action at the federal level, which allows local governments to implement ambitious climate actions that meet the objective of the Paris Agreement and other applicable international instruments.

C. Business and Human Rights

832. With respect to business and human rights issues, the Office of the Special Rapporteur notes that the State, in the context of the celebration of 10 years of the Guiding Principles on Business and Human Rights, the Department of State announced that, in collaboration with the White House and other federal departments and agencies, will begin the process of updating and revitalizing the U.S. National Plan of Action (NAP) on Responsible Business Conduct.

833. In addition, the Office of the Special Rapporteur notes that the State also seeks to strengthen the comparable provisions of the OECD Guidelines for Multinational Enterprises, which were also updated 10 years ago. In this scenario, the REDESCA makes itself especially available to the State to support efforts in the field of business and human rights, in particular for the implementation of the recommendations of its report on the matter.¹²⁰⁹¹²¹⁰

834. However, the REDESCA has received information on the implementation of infrastructure projects that have had direct impacts on the enjoyment and enjoyment of human rights in the territory. In this regard, the mandate takes careful note of the project of the Canadian company Enbridge called "Line 3". The project is an expansion pipeline, which would bring 760,000 barrels a day of tar sands oil from Alberta, Canada, to Superior, Wisconsin.¹²¹¹

835. According to the Minnesota State Public Utilities Commission, it is described as a pipeline integrity and maintenance project that would involve the construction of 330 miles of a new 36-inch diameter pipeline to replace 282 miles of the current 34-inch line 3 in Minnesota. The new Line 3 will be able to transport all types of crude oil and is generally expected to serve the same markets and transport the same mix of products as the existing Line 3. Once the new Line 3 pipeline has been installed, tested and operational, the existing Line 3 pipeline will be permanently deactivated in accordance with federal regulations.¹²¹²

836. In that sense, people who have opposed the pipeline estimate that the project has a climate impact just like that of Keystone XL and poses an existential threat to waterways such as the Mississippi River. Most of the pipeline route in the United States passes through northern Minnesota, including

¹²⁰⁸ REDESCA, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2021

¹²⁰⁹ U.S. Department of State, [10th Anniversary of the UN Guiding Principles on Business and Human Rights](#), June 16, 2021

¹²¹⁰ REDESCA, Business and Human Rights Report: Inter-American Standards, OAS/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019.

¹²¹¹ Earhtrights, [Line 3: The violent Repression of Indigenous-led resistance to climate damaging industries](#), 2021

¹²¹² Minnesota Public Utilities Commission, [Enbridge Line 3 Pipeline Replacement Project](#)

- the treaty territory of multiple Anishinaabe tribes, who would see their traditional practices of hunting, fishing and harvesting wild rice restricted.¹²¹³
837. Likewise, the Minnesota Department of Natural Resources initiated a series of coercive actions to force the company to comply with its environmental obligations. Primarily, the entity took actions related to an unauthorized appropriation of groundwater by the company during the construction of the project near the company's Clearbrook terminal. In that line, according to the state authorities, the company would have to cover costs of up to 3.32 million dollars to restore the damages caused and pay a guarantee for future damages.¹²¹⁴¹²¹⁵
838. For their part, civil society organizations have denounced that the people who have complained about the realization of this project have been subject to arrests and criminalization processes. So far, Earthrights has said at least 900 people identified as water defenders have been arrested and are facing criminal charges. Additionally, according to public information, in August 2021 at least 20 people belonging to indigenous peoples of the sector were attacked by law enforcement agencies, through the use of rubber bullets, in the framework of a peaceful protest.¹²¹⁶¹²¹⁷
839. However, the REDESCA also notes that a collective of land and territory advocacy organizations, led by environmental advocate Winona LaDuke, was granted a restraining order in their favor against the Hubbard County Sheriff for illegally blocking a camp that was established in protest. According to the Center for Protest and Litigation, the company would be funded by county law enforcement through a guarantee deposited with the county of at least \$1 million.¹²¹⁸¹²¹⁹
840. The REDESCA rejects harassment and harassment actions against people who would be legitimately exercising their right to protest in the context of the construction of an infrastructure project. Moreover, the Office of the Special Rapporteur notes with concern that part of these actions would even be directed against leaders of indigenous peoples, which implies that the State has greater obligations to protect the rights of these people within the framework of the protection of their territories.
841. On the other hand, the REDESCA became aware of the situation of environmental lawyer Steven Donziger who is serving a 9-month sentence for contempt of a court order. It took place in the context of a private criminal investigation carried out by the multinational company Chevron, in the framework of a litigation for contempt of court orders brought against lawyer Donziger. The

¹²¹³ Earthrights, [Line 3: The violent Repression of Indigenous-led resistance to climate damaging industries](#), 2021

¹²¹⁴ Minnesota Natural Resources Department, [Enbridge Line 3 Pipeline Replacement Project](#), 2021

¹²¹⁵ Ibid

¹²¹⁶ Earthrights, [Line 3: The violent Repression of Indigenous-led resistance to climate damaging industries](#), 2021

¹²¹⁷ DemocracyNow, [Shot with Rubber Bullets, Hospitalized, Jailed: Line 3 Protester Tara Houska Decries Police Attack](#), August 4, 2021

¹²¹⁸ CommonDreams, [Huge Legal Win': Court Stops Police From Blockading Line 3 Protester Camp](#), July 23, 2021

¹²¹⁹ Partnership for Civil Justice Fund, [Court Orders Police to Cease Illegal Blockade of Indigenous-led Water Protectors Camp at Line 3 Issues Restraining Order Against Sheriff Aukes and Hubbard County](#), July 23, 2021

lawyer was being held at his home on a court order from August 6, 2019, until October 2021, when he was detained to serve his sentence in federal prison.¹²²⁰¹²²¹

842. In this regard, REDESCA takes careful note of the report presented by the United Nations Working Group on Arbitrary Detentions, which determined that the present case would not be complying with the requirements of the Supreme Court of Justice regarding the use of the crime of contempt. Given the circumstances, the courts have broad powers to decide on the framework of the investigation, appoint the prosecutor who will take the case and the lack of regular guarantees in criminal proceedings. Consequently, the United Nations Working Group determined that, given the lack of legal basis for his detention, that his preventive detention has exceeded the maximum penalty for the crime charged and because of his status as a human rights defender, the State would be in contravention of its international obligations and the detention of Mr. Donziger would be arbitrary. Although Mr. Donziger was released on December 9 by decision of the authorities of the federal prison in Danbury, the REDESCA urges the State to take concrete actions within the framework of its competences and seek to protect the rights of this person.¹²²²¹²²³¹²²⁴

843. In view of the foregoing, the REDESCA reminds the State that, in the context of business activities and the guarantee of the rights of human rights defenders, the IACHR and the REDESCA have strongly rejected the misuse of the criminal justice system against rights defenders by the authorities and the companies themselves in order to limit their work. This situation not only individually threatens the rights of such people, but generally jeopardizes the proper protection of human rights, including the healthy environment, by intimidating, criminalizing and creating a hostile environment for those engaged in this important work.¹²²⁵

D. Labor and Trade Union Rights

844. Regarding labor and trade union rights in the country, the REDESCA has been following a resurgence of the trade union movement in several companies and industries. For example, the Office of the Special Rapporteur notes the strike carried out by workers at a Frito-Lay production plant in Topeka, Kansas, where they demanded higher wages and an end to the plant's dangerous and exploitative practice of demanding 84-hour work weeks. Additionally, it would have been mentioned that the working conditions of the sector would have produced multiple deaths by suicide over the years due to these conditions. Other companies in the Topeka area of similar size (Goodyear, Mars Wrigley, Target) offer a cost-of-living adjustment of 77 cents per hour. Frito-Lay

¹²²⁰ Amnesty International [Urgent Action: Environmental Lawyer Arbitrarily Detained](#), 25 October 2021

¹²²¹ Reuters [Chevron foe Donziger surrenders after losing bid to avert prison](#), 27 October 2021

¹²²² United Nations Working Group on Arbitrary Detention, [Opinion NO. 24/2021 concerning Steven Donziger \(United States of America\)](#), A/HRC/WGAD/2021/24, 1 October 2021, para. 45

¹²²³ United Nations Working Group on Arbitrary Detention, [Opinion NO. 24/2021 concerning Steven Donziger \(United States of America\)](#), A/HRC/WGAD/2021/24, 1 October 2021, para. 77, 82, 86

¹²²⁴ Common Dreams, ['Huge Step Forward': Steven Donziger Transferred From Federal Prison to House Arrest](#), December 9, 2021

¹²²⁵ REDESCA, Business and Human Rights Report: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 323

- doesn't, so union members recently rejected a contract offer that would have given workers a 2% annual wage increase.¹²²⁶
845. However, the Office of the Special Rapporteur notes that the striking union members voted to approve the company's proposal to ratify the contract. Members of local 218 of the bakers, pastry chefs, tobacco and grain millers union voted to approve an offer that gives all union members a 4% wage increase in two years and guarantees workers at least one day off each week.¹²²⁷
846. Similarly, the REDESCA is aware of the events recorded in Bessemer, in the State of Alabama, where about 5,000 workers of the Amazon warehouse, called BHM1, is one of the more than 100 distribution centers in the United States. According to public information, the work mechanisms in the facility are controlled through algorithms and punish when the objectives are not met or the workers spend their "free time" (better known as TOT). Similarly, it has been pointed out that the working conditions are not dignified, since they are allowed to take two 15-minute breaks to go to the bathroom during their 10-hour shifts and the increase in the "risk pay" of 2 dollars per hour that the company proclaimed at the beginning of the pandemic expired in June 2021.¹²²⁸
847. Additionally, the REDESCA welcomes the fact that a union of workers of the Starbucks coffee company could be established in the city of Buffalo in the State of New York. According to public information, the National Labor Relations Council indicated that one of the three establishments in the city voted in favor of the creation of the union, while the other two did not have favorable results, however, the union would appeal the results to verify them in the shortest possible time.¹²²⁹
848. For its part, the mandate also notes with satisfaction that the New York City Council approved a legislative package that will set the minimum wage and improve the working conditions of couriers employed by food delivery services based on applications such as Grubhub, DoorDash and UberEats. The legislation prevents food delivery apps and courier services from charging workers to receive their pay; force apps to disclose their gratification policies; ban food delivery apps from charging workers for isolated food bags, which can cost up to \$50; and require restaurant owners to make toilets available to delivery workers.¹²³⁰
849. For its part, the REDESCA notes that, given this troubling context of allegations of unfair and unsafe working conditions, the number of people quitting their jobs has skyrocketed, driven by a combination of factors including Americans receiving ample opportunity and better wages elsewhere. Some 4.3 million people quit their jobs in August, about 2.9% of the working

¹²²⁶ The Mary Sue, [Frito-Lay Workers Forced to Work 84-Hour Weeks for Months on End Are Now on Strike](#), 19 July 2021; Vice [I'm a Frito-Lay Factory Worker. I Work 12-Hour Days, 7 Days a Week](#), July 16, 2021; New York Times, [Striking Frito-Lay Workers Demand Better Hours](#), 22 July 2021

¹²²⁷ The Topeka Capital Journal, ['Strike over': Union Local 218 members approve Frito-Lay's latest contract offer, bringing Topeka strike to an end](#), July 24, 2021; New York Times, [Frito-Lay Workers in Kansas Ratify Contract, Ending Strike](#), 24 July 2021

¹²²⁸ Vox [An unholy union](#), 22 March 2021

¹²²⁹ AP [In a first, Starbucks workers agree to union in Buffalo, NY](#), December 9, 2021

¹²³⁰ New York Times, [New York Set to Pass Sweeping Laws to Improve Conditions for Delivery Workers](#), September 23, 2021

- population, according to new data released Tuesday by the Labor Department. According to the report, at the end of August there were 10.4 million vacant jobs in the country, a figure slightly lower than the July record, which was adjusted to 11.1 million, but which remains tremendously high. This gives workers a huge advantage when looking for a more suitable job.¹²³¹
850. Likewise, taking into consideration this situation, the Office of the Special Rapporteur is aware that the Select Subcommittee of the United States House of Representatives opened an investigation regarding the role of processed food packaging companies. According to public information, the committee's investigation was due to the fact that the aforementioned companies did not take due precautions to provide adequate protection to the people who work there, showing an omission for the health and protection of workers.¹²³²
851. Within the conclusions of the report, it was indicated that the total extent of coronavirus infections and deaths in these refrigeration companies was probably much worse than previously indicated, since the data provided to the Select Subcommittee excludes in many cases cases of coronavirus confirmed by external tests or cases self-detected by employees. Additionally, it was mentioned that the companies were able to carry out some measures at their disposal to mitigate the effects of the health crisis, however it is pointed out that the companies sought to privilege income and production over the safety and health of workers.¹²³³¹²³⁴
852. Finally, the REDESCA notes that, in the context of the pandemic, the situation of workers in the health sector is affected by stress and other factors that have affected their mental health especially. According to a survey by the Washington Post and the Kaiser Family Foundation, about 3 in 10 health care workers have considered leaving their profession. More than half are exhausted. Additionally, about 6 in 10 say the stress of the pandemic has damaged their mental health. Many spoke of the betrayal and hypocrisy they feel from the public for which they have sacrificed so much, who one day applaud and worship heroes and the next day refuse to wear masks and take basic precautions, even if that saves health workers from the trauma of losing another patient.¹²³⁵
853. The REDESCA urges the State to take the necessary measures to ensure the labor rights of all persons in its jurisdiction. In this regard, it urges the State to take decisions at the federal level to improve the working conditions of all people, including guaranteeing trade union and association rights in accordance with international standards and its domestic jurisdiction. Particularly with regard to the COVID-19 crisis, the Office of the Special Rapporteur refers to the provisions of resolutions 1/2020, 4/2020, and 1/2021, which detail concrete actions that States must take to

¹²³¹ Washington Post, [A record number of workers are quitting their jobs, empowered by new leverage](#), 12 October 2021

¹²³² ProPublica, [After Hundreds of Meatpacking Workers Died From COVID-19, Congress Wants Answers](#), 4 February 2021

¹²³³ U.S. House of Representatives, Select Subcommittee on the Coronavirus Crisis, [Memo on coronavirus infections and deaths among meat workers at the top five companies were nearly three times higher than previous estimates](#), 27 October 2021

¹²³⁴ Idem

¹²³⁵ Washington Post, [Stress on the front lines of covid-19](#), April 6, 2021

safeguard the rights of workers in all contexts and economic activities, especially in the health sector.

E. Fiscal and Economic Policies

854. In relation to fiscal and economic policies and their impacts on human rights, the Office of the Special Rapporteur is aware that this year has been characterized by several proposals by the executive to invest resources in social programs to seek to improve the dignified living conditions of the people most affected by the pandemic. In this regard, the REDESCA notes that at the beginning of the year it presented an immediate aid plan, which focused on providing some type of assistance to people in the most vulnerable situations. In that sense, those earning less than \$75,000 and marriages earning less than \$150,000 received direct payments of \$1,400 per person.¹²³⁶

855. In addition, increases in federal unemployment benefits were also implemented until the beginning of September, including the federal supplement of \$ 300 per week provided for in the last stimulus plan approved in December. By 2021, the bill will temporarily expand the child tax credit, which currently stands at \$2,000 per child under the age of 17. Under the legislation, the tax credit would be up to \$3,600 for children up to age 5 and up to \$3,000 for children ages 6 to 17. The bill would make the full value of credit available to low-income people who are currently not entitled to it or only receive a portion. And by the second half of this year, it would have the federal government send advance credit payments to Americans in periodic installments, something like a guaranteed income for families with children.¹²³⁷

856. However, the REDESCA also notes that according to organizations such as Human Rights Watch, the U.S. government has made little progress in curbing the rise in poverty and inequality during the COVID-19 pandemic. According to the organization, public-use microdata from the Census Bureau's Household Pulse Survey shows that the economic repercussions of the pandemic have had a devastating and disproportionate impact on the rights of low-income people.¹²³⁸

857. Additionally, the Office of the Special Rapporteur notes that the Democratic Party faction of the House of Representatives of Congress presented a tax proposal that targets high-income Americans and businesses, among other things by increasing the corporate tax rate from 21% to 26.5% and the maximum income tax rate for Americans earning more than \$400,000 from 37% to 39.6%. The maximum rate of capital gains would also increase from 20% to 25%. The plan includes \$80 billion for the Internal Revenue Service, which will be used to bolster tax enforcement and improve the agency's technology to support enforcement activities.¹²³⁹

858. For its part, the REDESCA welcomes the approval of the infrastructure law of at least 1 trillion dollars, which would be focused on financing the reconstruction of several critical infrastructure projects such as roads, bridges, distribution systems and electric power. Additionally, the

¹²³⁶ The White House, President Biden Announces American Rescue Plan, January 20, 2021; CNBC, [POLITICS Biden signs \\$1.9 trillion Covid relief bill, clearing way for stimulus checks, vaccine aid](#), 11 March 2021

¹²³⁷ Chicago Tribune, [Here's what to know about the stimulus bill and where the \\$1.9 trillion is going](#), 7 March 2021

¹²³⁸ Human Rights Watch, [United States: Pandemic Impact on People in Poverty](#), 2 March 2021

¹²³⁹ CBS [Biden says hes confident Congress will deliver reconciliation package to his desk](#), September 16, 2021

- legislation also makes a new positioning of funds that had not been used at the highest peak of the emergency, as well as seeking tax regulation mechanisms towards cryptocurrencies. Similarly, the Office of the Special Rapporteur notes that this legislation also aims to address other aspects such as investment in broadband networks for internet access, and improving drinking water systems, including those for reserves on the west coast of the country.¹²⁴⁰¹²⁴¹
859. For its part, the REDESCA notes that while the House of Representatives passed the Better Rebuild (BBB) bill. This legislative proposal is an ambitious project that seeks to cover a series of basic needs of people in the most vulnerable situation, including the expansion of social programs such as social investment for child care programs, expansion of daycare programs, tax benefits for sons or daughters; and also modifications in the mechanisms to obtain health coverage. To this are added, tax benefits to promote clean energy and tax modifications to increase the collection capacity of the State.¹²⁴²
860. However, according to the Congressional Office of the Budget (CBO), he said this proposal would increase the country's fiscal deficit by a net increase of \$367 trillion. However, the Senate majority leader and the Speaker of the House of Representatives pointed out that this prediction of the deficit would not take into account the extensions of the programs regulated by the legislation, which would be covered by the revenues of the new taxes that would be implemented.¹²⁴³¹²⁴⁴
861. In that sense, the REDESCA takes note of the doubts raised by the CBO at this point, drawing attention to the fact that the Senate has approved a budget for the international security and defense sector of approximately 768 billion dollars. This budget would have an additional increase of 25 billion dollars, to which was requested by the executive.¹²⁴⁵
862. The REDESCA takes note of the priorities of the States and the legislative barriers to be able to implement comprehensive measures regarding the reduction of poverty and the implementation of far-reaching social programs. In this regard, the REDESCA urges the State to make every effort to reduce existing social gaps, and protect people who are most vulnerable.
863. In this regard, the Office of the Special Rapporteur reminds the State that in the context of the pandemic, IACHR Resolution 1/2020 states that in order to comply with the obligation to use and mobilize the maximum of the resources available to the States; consideration must be given to the implementation of fiscal policy measures that allow equitable redistribution, including the design of concrete plans and commitments to substantially increase the public budget to guarantee the right to health.¹²⁴⁶ In the same vein, States are obliged to ensure that, in exceptional cases where it is unavoidable to adopt measures limiting any ESCER, States must ensure that such measures

¹²⁴⁰ NPR [Biden says final passage of \\$1 trillion infrastructure plan is a big step forward](#), November 6, 2021

¹²⁴¹ NPR [Here's what's included in the bipartisan infrastructure law](#), November 15, 2021

¹²⁴² VOX [The state of the shrinking Build Back Better Act](#), 13 December 2021

¹²⁴³ CBO, [Summary of Cost Estimate for H.R. 5376 the Build Back Better Act](#), November 18, 2021

¹²⁴⁴ CNN [CBO issues score on how much Build Back Better would cost if programs were permanent](#), December 16, 2021

¹²⁴⁵ New York Times, [Senate Passes \\$768 Billion Defense Bill. Sending It to Biden](#), 15 December 2021

¹²⁴⁶ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 13

are fully and strictly justified, necessary and proportionate, taking into account all the rights at stake and the correct use of the maximum available resources.¹²⁴⁷

F. Education, science, technology: academic freedom and university autonomy

864. With regard to the right to education, the REDESCA has been monitoring that the processes for the re-entry into face-to-face classes by the State vary from state to state in the country, although at the moment according to the State 99% of the schools in the country are fully open. Along these lines, the Office of the Special Rapporteur is aware that, for example, the Los Angeles Unified School District in California established a measure so that all people who are part of the educational system must show an inoculation test until January 2022. However, the decision was postponed until the autumn of 2022; being that only 87% of students are fully vaccinated.¹²⁴⁸¹²⁴⁹

865. In this context, in addition to the difficulties that have been registered to implement effective back-to-school programs, the REDESCA shows its alarm at the acts of harassment and threats against people by the educational boards of the country's local governments. The Office of the Special Rapporteur has taken note of cases in Portland, Los Angeles, and Texas; which have to do with aspects related to the requirement of mandatory vaccination to return to face-to-face classes, as well as the curricular content in certain aspects that have to do with the Critical Race Theory; which has been promoted in certain spaces to address issues that have to do with racial equality in the country. In short, threats, acts of harassment and even vandalism have been registered throughout the country against the homes where these people reside.¹²⁵⁰¹²⁵¹¹²⁵²¹²⁵³

866. In this sense, the REDESCA is concerned that these contexts are giving way so that groups classified as hate groups (such as the Proud Boys), would be taking advantage of these spaces to instigate and provoke in public sessions of these bodies related to the health codes of schools. According to public information, it was learned that other groups also known as 3 Percenter and "Oath Keepers", are also involved in these events that seek to generate intimidation with their presence to decision makers in these spaces.¹²⁵⁴¹²⁵⁵

867. The REDESCA expresses its deep concern over these events and calls on the State to conduct a thorough investigation into the threats that have been made against these people. Likewise, it calls on all interested parties to channel through effective and transparent dialogue mechanisms any disagreement they have in mind, taking into consideration the well-being and best interests of

¹²⁴⁷ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 14

¹²⁴⁸ The White House, [President Biden Announces New Actions to Protect Americans Against the Delta and Omicron Variants as We Battle COVID-19 this Winter](#), December 2, 2021

¹²⁴⁹ Washington Post, <https://www.washingtonpost.com/nation/2021/12/15/covid-omicron-variant-live-updates/#link-U27W7FM7WFDE5CAPDVXFNB3THY>, December 15, 2021

¹²⁵⁰ Willamette Weel, [Unmasked Protesters of Vaccine Mandate Push Portland School Board Members Out of District Headquarters](#), 27 October 2021

¹²⁵¹ Los Angeles Times, ['The mood is grim': Death threats, violence, intimidation mark another pandemic school year](#), 5 October 2021

¹²⁵² CBS DFW, [Parents Clash Over Critical Race Theory At Fort Worth School Board Meeting](#), December 14, 2021

¹²⁵³ New York Times, ['I Don't Want to Die for It': School Board Members Face Rising Threats](#), November 5, 2021

¹²⁵⁴ Southern Poverty Law Center, [Designated SPLC Hate Group](#)

¹²⁵⁵ New York Times, [Proud Boys Regroup, Focusing on School Boards and Town Councils](#), December 14, 2021

children and adolescents. It is essential that safe conditions are created so that both children and adults can exercise their roles peacefully and without interruptions.

868. In the case of academic freedom and university autonomy, the REDESCA is aware that there have been some challenges in the country for the full enjoyment of these rights, particularly in the context of access to educational services or the exercise of the teaching profession without any discrimination. This is also understood as discrimination not only from the aspect of the categories of international human rights law, but also from the point of view of affordability; as access to education (especially higher education) is undermined by the ability of a person to have the resources to pay for high tuition costs.

869. In this sense, the REDESCA wants to take note that the federal government has indicated its willingness to carry out a comprehensive program in order to mitigate the effects of the debt crisis of millions of students, for accessing federal educational loans. So far it is estimated that the total debt of all lenders amounts to 1.7 trillion dollars, is affecting individuals, families and their economy, being that the weight of this burden is borne disproportionately by women and borrowers of African descent and of Latin American descent.¹²⁵⁶

870. The Office of the Special Rapporteur is concerned that, according to an announcement by the Executive Press Secretariat, it stressed that it is most possible that the payment of credits will be requested again as of February 2022. This would be the last action by the State to stop the collection of study loans, being that the last action taken by the executive in the matter was on September 30 when the payment moratorium was extended until January 31, 2022. However, the REDESCA notes that according to legislators from the President's own party they have indicated that he has the possibility of canceling up to 50 thousand dollars per student if he so wishes by provision of the Higher Education Act.¹²⁵⁷¹²⁵⁸

871. Finally, with respect to nondiscrimination on ESCER, the Office of the Special Rapporteur is aware that in the context of a pending litigation between dozens of LGBTI students accusing conservative religious colleges and universities of discrimination and harm, the Department of Justice has indicated that it can defend a religious exemption from the federal civil rights law that allows federally funded religious schools to discriminate against LGBTQ students. For civil society rights advocates, they said their goal is to get the administration to agree with them that it is unconstitutional for federally funded schools to discriminate against LGBTQ people, and that the exemption is not defensible. This situation is becoming increasingly relevant, especially in contexts where LGBTI people have lost their jobs due to their gender expression or sexual preference.¹²⁵⁹¹²⁶⁰

¹²⁵⁶ The Education Trust, [Civil Rights Principles for Student Loan Debt Cancellation](#), 18 April 2021

¹²⁵⁷ CNN [Biden still plans to restart federal student loan payments in February](#), December 14, 2021

¹²⁵⁸ Business Insiders, [White House punts Biden's promise to cancel \\$10,000 in student debt to Congress: 'They haven't sent him a bill on that yet'](#), December 14, 2021

¹²⁵⁹ Washington Post, [Justice Department says it can defend religious schools' exemption from anti-LGBTQ discrimination laws](#), June 9, 2021

¹²⁶⁰ Des Moines Register, [An Iowa teacher was placed on leave after sharing he is bisexual. His students just staged a walkout](#), 7 September 2021

872. To this troubling situation, the REDESCA observes the lawsuit filed by 20 attorneys general of different states, against the federal government to get nullified the protections against discrimination against LGBTQ and transgender people established under president Joe Biden that obliges the federal Department of Education to protect gay and transgender people under Title IX, which prohibits sex discrimination in schools.¹²⁶¹

873. The REDESCA is concerned that these events are encouraging greater acts of discrimination against LGBTI people in educational contexts. In this regard, the REDESCA reminds the State that in its report on ESCER for trans and gender diverse persons, it was indicated that it emphasizes that the principle of equality and non-discrimination must govern the education and training of all people, so it is necessary for the State to ensure that both public and private educational institutions do not discriminate or encourage hate speech and intolerance against trans and LGBTI people. In general, the REDESCA reiterates that an inclusive education system not only allows progress in guaranteeing the human rights of trans people in all their life cycles, but also expands the teaching and learning of all its recipients and strengthens coexistence in society through the promotion of diversity, mutual respect, tolerance and solidarity as principles within democratic societies.¹²⁶²¹²⁶³

G. Human Mobility and ESCER

874. For its part, with regard to issues that have to do with the guarantee of ESCER in the context of human mobility, the REDESCA has received information on the situation of mass expulsions of migrants through the use of the Mechanism of Title 42. This practice is part of the State's policy, through which it justifies the expulsion of people who enter the territory irregularly for reasons of public health.¹²⁶⁴

875. Faced with this situation, the REDESCA takes note of the ruling issued by a federal judge on September 16, in which it was determined that the United States government must stop using a public health order to quickly expel migrants with children who are detained along the border with Mexico. U.S. District Judge Emmet Sullivan gave the government two weeks to stop a practice that opponents say is unnecessary and improperly based on the threat posed by COVID-19 to deprive people of their right to seek asylum in the United States.¹²⁶⁵

876. However, the REDESCA notes that, in early October 2021, the Circuit Court of the District of Columbia granted the State's request to lift the preliminary interlocutory and maintain the validity of the program under Title 42. For its part, the Office of the Special Rapporteur also highlights that the executive is currently litigating the "Stay in Mexico" policy, which is designed so that asylum seekers cannot access the country to wait for the result of their immigration status and do so from Mexico. The executive canceled the implementation of this policy, but the Court of Appeals of the

¹²⁶¹ The Columbus Dispatch, [Ohio joins lawsuit that seeks to overturn protections for LGBTQ students, employees](#), August 31, 2021

¹²⁶² IACHR, Report on Trans and Gender Diverse Persons and their ESCER, OEA/Ser.L/V/II. Doc. 239, 7 August 2020, parr. 166

¹²⁶³ IACHR, Report on Trans and Gender Diverse Persons and their ESCER, OEA/Ser.L/V/II. Doc. 239, 7 August 2020 parr. 167

¹²⁶⁴ American Immigration Council, [A guide to Title 42 Expulsions at the border](#), 15 October 2021

¹²⁶⁵ AP US: [Judge Orders No Use of Pandemic to Expel Migrants](#), 16 September 2021

- 5th Federal Circuit noted that the federal agency skipped procedural steps for its effective change.¹²⁶⁶¹²⁶⁷
877. The REDESCA urges the State to seek effective measures to implement a new public policy that guarantees the dignity of migrants, both in the context of the pandemic and in migration processes in general. It is worrying for the REDESCA that the migration crisis continues to be used to perpetuate human rights violations against people who are in a situation of vulnerability and do not have the same conditions to be able to demand respect for their rights. In this regard, the Office of the Special Rapporteur recalls that in the framework of the 180th Regular Period of Sessions, civil society organizations even reported the forced sterilization of migrant women in a detention center in the state of Georgia.¹²⁶⁸
878. Although during the hearing the State reported that the detention center would be closed as quickly as possible in the face of these complaints, the conditions of detention throughout the country's immigration system are worrying. Even, according to an investigation conducted by the New York Times, he pointed out that in the context of the pandemic, Immigration and Customs Enforcement (ICE) did not adequately handle the COVID-19 crisis. Specifically, the research cited four main findings: that detainees have little protection against COVID-19 including lack of bio-sanitary tests and protocols; that infections that occurred in detention centers spread to surrounding communities, lack of information from ICE did not allow effective monitoring of infections and finally ICE never exercised its power to release people from custody to curb intramural cases.¹²⁶⁹¹²⁷⁰
879. The REDESCA urges the United States to review its security protocols in immigration processes. To this must be added concrete proposals that allow people in situations of human mobility not to lose the ability to access basic services such as health, food and even education, particularly when it comes to children and adolescents. It is necessary for the State to find ways to prevent greater harm to people who are more vulnerable, and also calls for the implementation of a strategy that is multidisciplinary and comprehensive to meet the basic needs of these people in dignified and safe conditions, as well as the underlying causes of mobility related to the right to development and ESCER.

¹²⁶⁶ Amnesty International [Court ruling will endanger families seeking safety; Biden must end title 42](#), October 1, 2021

¹²⁶⁷ Reuters [U.S. court rejects bid to end Trump-era 'Remain in Mexico' border policy](#), December 14, 2021

¹²⁶⁸ IACHR, Hearing: Human Rights Situation of Migrants and Detention Centers in the United States, 180th Regular Period of Sessions, June 28, 2021

¹²⁶⁹ See Ibid; New York Times, [The Unnecessary Cruelty of America's Immigration System](#), 11 September 2021

¹²⁷⁰ New York Times, [4 Takeaways From Our Investigation Into ICE's Mishandling of Covid-19](#), April 25, 2021

17) GRENADA

880. The REDESCA has carried out a follow-up on the situation of Economic, Social, Cultural and Environmental rights in Granada, paying special attention to the enjoyment of the right to health and its social determinants, taking special note of the impact that the COVID-19 pandemic has had on this right, taking into account the measures adopted by the State. In the same way, the mandate has followed the situation that the country is going through regarding the climate emergency and its implications, as well as monitoring regarding the enjoyment of the right to education and the challenges faced in this regard. On the other hand, the Office of the Special Rapporteur has followed the measures that Grenada has adopted with respect to economic and fiscal policies, as well as has followed up on the enjoyment of labor and trade union rights in the country. All these themes are strategic lines of the mandate and are developed below.

A. Right to Health and its Social Determinants

881. The REDESCA has monitored the situation and the impacts that the COVID-19 pandemic has generated in Granada. With regard to the enjoyment of the right to health, the Office of the Special Rapporteur notes that, as of November 15, the country had confirmed 5,865 cases and 200 deaths.¹²⁷¹ Likewise, in this context of pandemic, the Office of the Special Rapporteur observes that with regard to the number of doses applied of vaccines against COVID-19, 72,282 have been applied until November 12, with 33,028 people fully vaccinated, which represents 29.23% of the population.¹²⁷² The Office of the Special Rapporteur notes that September saw a peak in infections, but the number of deaths and hospitalizations decreased during that period.¹²⁷³

882. As for the impacts of the pandemic in the country, the REDESCA notes what the World Bank mentioned about it hitting Grenada hard, since, although the number of COVID-19 cases has been relatively low, the economic contraction has been severe. In this regard, the Office of the Special Rapporteur observes that the COVID-19 pandemic has had a limited impact on the health of the population of Grenada, but the challenges faced by the local population are aggravated by the environmental vulnerabilities that characterize the Caribbean.¹²⁷⁴¹²⁷⁵ Likewise, the Office of the Special Rapporteur on ESCER noted that the tourism sector has been significantly affected due to measures such as border closures undertaken by countries to prevent the spread of the virus.¹²⁷⁶

883. Due to the impact that the pandemic implied on the country's economy, the REDESCA takes note of the approval of the loan by the World Bank for Development Policies of Fiscal Management and Response to the COVID-19 Crisis for US\$ 25 million, which aims to support the government to

¹²⁷¹ Expansion [Grenada - COVID-19 - Coronavirus crisis](#), November 15, 2021

¹²⁷² Expansion [Grenada - COVID-19 - Vaccines administered](#), November 12, 2021

¹²⁷³ CTV News, [Grenada PM's message for Canadian tourists amid pandemic: 'Please come'](#), October 10, 2021

¹²⁷⁴ The World Bank, [World Bank Approves US\\$25 Million Credit for Grenada's COVID-19 Response and Recovery](#), December 17, 2020

¹²⁷⁵ Eurodad, Grenada, [Covid-19 and debt](#), 2 February 2021

¹²⁷⁶ CNW, [Grenada Adopting New Protocols to Benefit Tourism and Entertainment Sectors](#), September 17, 2020

- strengthen the country's health systems and protect livelihoods through financial assistance to the tourism sector, the agricultural sector and small enterprises.¹²⁷⁷
884. In this context of pandemic, the REDESCA observes that, according to official information from the Ministry of Health of Grenada, one of the main challenges faced by the country was that from the first day challenges were faced when carrying out diagnostic tests, practicing physical distancing and applying confinement measures.¹²⁷⁸
885. Regarding the measures taken to address the impacts that the pandemic has implied, the REDESCA notes that in order to contain and control the spread of COVID-19, the government of Grenada declared a state of emergency in March 2020, resulting in a curfew and the closure of the country.¹²⁷⁹
886. Regarding the vaccination process, the Office of the Special Rapporteur notes that it began on February 12.¹²⁸⁰ According to information from the Ministry of Tourism, the frontline workers who were prioritized for this first batch of vaccines were: police, customs and immigration agents; dock workers; airport workers; hotel employees and certified taxi operators.¹²⁸¹
887. In this sense, the REDESCA notes that on April 9, 2021, the first phase of delivery of vaccines against COVID-19 (24,000 doses) was delivered in the country through the COVAX Mechanism. Given this fact, authorities of the Ministry of Health of the country expressed that the arrival of these first vaccines will serve to protect priority groups and people at greatest risk, such as health workers and the elderly, noting that Grenada is one of the ten countries in the Region of the Americas that are receiving free vaccines through the advance market commitment of the COVAX Mechanism.¹²⁸²
888. As for the area of tourism, the REDESCA notes that while the country keeps its borders open, it has some of the strictest travel policies in place to ensure that all people are safe as expressed by the Government of Grenada. In this sense, it was established that, as of July 31, all travelers entering Grenada must be fully vaccinated.¹²⁸³ In addition, they must provide proof of a negative COVID-19 PCR test result 72 hours before the departure of their flight. Once they arrive in Grenada, travelers will need to take another PCR test and remain quarantined for up to 48 hours while they await their results. Regarding this, the REDESCA observed that, after the announcement of the requirement of vaccines for tourists, the intention to visit the country increased by travelers by 25%.¹²⁸⁴

¹²⁷⁷ World Bank [World Bank Response to COVID-19 \(Coronavirus\) in Latin America and the Caribbean](#), October 1, 2021

¹²⁷⁸ PAHO [Grenada receives its first covid-19 vaccines through the COVAX Mechanism](#), April 9, 2021

¹²⁷⁹ Now Grenada, [Covid-19 protection measures reduce government income by 50%](#), August 6, 2020

¹²⁸⁰ LACCOM, [Map of COVID-19 in Latin America and the Caribbean](#), August 2021

¹²⁸¹ Nation News, [Hundreds of frontline workers receive COVID jab in Grenada](#), 24 February 2021

¹²⁸² PAHO [Grenada receives its first covid-19 vaccines through the COVAX Mechanism](#), April 9, 2021

¹²⁸³ CTV News, [Grenada PM's message for Canadian tourists amid pandemic: 'Please come'](#), October 10, 2021

¹²⁸⁴ Infobae, [Caribbean Islands Boom: Travelers' Interest in Vaccinated-Only Destinations Increases](#), October 1, 2021

889. On the other hand, the REDESCA calls for paying special attention to the mental health of the working population, given that mental health conditions that are not adequately treated, such as depression, in addition to affecting the right to health of the person, can lead to a reduction in productivity in the workplace and become a contributing factor to other psychosocial problems.¹²⁸⁵
890. Faced with the context of the COVID-19 pandemic, the REDESCA notes that the country's Prime Minister at the 16th Emergency Meeting of the CARICOM Conference of Heads of Government endorsed a call for countries to work together in managing the pandemic.¹²⁸⁶ The Office of the Special Rapporteur welcomes this call and highlights IACHR Resolution 1/2020 on Pandemic and Human Rights in the Americas, which recalls the obligation of States to promote technical cooperation mechanisms to facilitate joint actions with States, expressing the willingness of the Commission and its Special Rapporteurships to provide technical assistance necessary to guarantee the implementation of the human rights approach in the policy framework, access to economic funds that strengthen the protection of these rights, plans and strategies adopted to face the pandemic crisis.¹²⁸⁷

B. Climate Emergency and Human Right to Water

891. With regard to the climate emergency in Grenada, the REDESCA notes that as the intensity and frequency of tropical storms due to climate change increases, the risks faced by the population of Grenada become existential in nature, implying long-term consequences for the entire population.¹²⁸⁸
892. The Office of the Special Rapporteur emphasizes that, in Grenada, climate change has its own Ministry, called the Ministry of Climate Resilience, which has within its jurisdiction Environment, Agriculture, Forestry, Fisheries and Disaster Management along with Climate Resilience. In this regard, the REDESCA notes that Grenada's minister of climate and environment expressed at the COP26 climate summit that this is a decisive moment for the survival of dozens of island nations.¹²⁸⁹¹²⁹⁰
893. Likewise, the REDESCA expresses its concern about what was said by the Minister of Climate Resilience and Environment about the ocean having risen in a town in the north of the country, resulting in the relocation of residents, as well as a decrease in fishing catch and agricultural harvest.¹²⁹¹

¹²⁸⁵ NOW Grenada, [Covid-19 and mental health in Grenada](#), 22 November 2021

¹²⁸⁶ Barnacle news, [Grenada's Prime Minister Updates CARICOM Colleagues on the Country's COVID-19 Status and Endorses call for Closer Collaboration Among CARICOM States](#), 15 September 2021

¹²⁸⁷ IACHR – REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

¹²⁸⁸ Eurodad, Grenada, [Covid-19 and debt](#), 2 February 2021

¹²⁸⁹ Now Grenada, [Climate change summit in Glasgow](#) – COP26, October 29, 2021

¹²⁹⁰ Sky News, [Climate change: COP26 is 'make or break' moment for dozens of island nations, Grenada minister says](#), October 29, 2021

¹²⁹¹ Thomson Reuters Foundation, [OPINION: If global warming tops 1.5C, small island nations are staring into the abyss](#), October 31, 2021

C. Labor and Trade Union Rights

894. With regard to the enjoyment of labor and trade union rights in Grenada, the REDESCA notes that the country is facing two major challenges, high levels of youth unemployment, of more than 40%, and vulnerability of agricultural production to climate change and climate crises.¹²⁹² Faced with this situation, a combination of climate-smart sustainable agricultural practices with the development of small businesses has been initiated, with which the Climate-Smart Agriculture and Rural Enterprises (SAEP) Programme is expected to lead to a significant increase in the production levels and incomes of the young people involved. The Office of the Special Rapporteur observes that the objective of the program is to contribute to the reduction of poverty and vulnerability in rural communities, benefiting about 7,500 households (54% of all poor rural households in the country).¹²⁹³

D. Fiscal and Economic Policies

895. With regard to the fiscal and economic policies adopted by the country, the REDESCA notes first of all that in the Caribbean region in general an increase in public spending was observed in most countries, although the composition of the increase is not the same as that observed in the countries of Latin America.¹²⁹⁴ In this sense, the highest capital expenditure in several countries stands out, among which Grenada is included for being one of the most striking cases. With regard to these policies adopted, the Office of the Special Rapporteur notes that current transfers were driven by expenditures associated with programs to support household income and business payrolls in the face of COVID-19 (0.5% of GDP).¹²⁹⁵

896. In relation to this, the REDESCA notes that more than 7,000 people in Grenada have so far benefited from the government's economic stimulus package, which offers support for the payroll of companies, support for the income of self-employed workers and an unemployment benefit, among other measures. Another measure foreseen in the stimulus package is an unemployment benefit, paid by the National Insurance System. So far, about 2,700 people in Grenada have received this benefit.¹²⁹⁶¹²⁹⁷

897. The REDESCA also notes that the investment of hundreds of thousands of dollars to improve Grenada's food security was announced, as the Government has committed to increasing the availability of locally produced food in the country, as expressed by the country's Minister of Agriculture.¹²⁹⁸

¹²⁹² IFAD, [Promoting youth employment in Grenada](#), 5 October 2021

¹²⁹³ Ibid

¹²⁹⁴ ECLAC, [Fiscal Panorama of Latin America and the Caribbean](#), 2021

¹²⁹⁵ Ibid

¹²⁹⁶ Now Grenada, [Over 7,000 Grenadians benefit from Covid-19 stimulus package](#), 13 July de 2020

¹²⁹⁷ Ibid

¹²⁹⁸ Loop [Grenada makes moves towards increasing its food security](#), October 19, 2021

E. Education, science, technology: academic freedom and university autonomy

898. Regarding the enjoyment of the right to education, especially in times of pandemic, the REDESCA notes that, after the closure of schools, becoming virtual classes, Granada has provided online tutorials that are beneficial for students with visual or hearing impairments. Likewise, another of the educational responses to COVID-19 from the country has been to provide a book scheme for those children who are identified from schools as coming from vulnerable contexts, provided that parents sign an agreement to return these books after one year of use.¹²⁹⁹

899. In this connection, the REDESCA notes that both public and private schools began on November 1 a process of resuming face-to-face and phased classes. The approach prioritized students who are in grades or exit classes and those who did not participate in remote learning when the school year began in September. Phase 1 of the reopening of schools will be from November 1 to 12 and then phase 2 will begin. Students who cannot be accommodated face-to-face, or those whose parents are not yet comfortable sending them back, will be supported through online engagements.¹³⁰⁰¹³⁰¹

¹²⁹⁹ OECS, [education sector response and recovery strategy to covid-19](#), 2020

¹³⁰⁰ Now Grenada, [Face to face classes to begin 1 November](#), October 19, 2021

¹³⁰¹ Now Grenada, [More students to return to classroom](#), November 12, 2021

18) GUATEMALA

901. Regarding the ESCER in Guatemala, the REDESCA has been observing the situation of the management of the pandemic, especially in relation to the acquisition and distribution of vaccines in the country. In addition, the REDESCA has been monitoring the situation of the impacts of different business activities in the country, particularly of extractive industries on the human rights of indigenous communities and peoples. Similarly, the REDESCA has also carried out a careful monitoring of the situation of the country's strategy to face the impacts of climate change on human rights, as well as the situation of the impacts of poverty on the enjoyment and enjoyment of human rights of people in the greatest situation of vulnerability. especially of people in human mobility.

A. Right to Health and its Social Determinants

902. Regarding the protection of the right to health, the REDESCA notes that civil society organizations through a statement called on the President of the Republic and his entire Cabinet to be accountable within the framework of the actions carried out by the Executive within the Covid-19 pandemic and the acquisition of vaccines. According to the information of these organizations, people living in Guatemala deserve an explanation of the processes of purchasing vaccines, making transparent the negotiations with public funds and the shortage of medicines in the national hospital network. This group expressed its concern and rejection of all those actions that denote a lack of transparency in the processes of purchasing vaccines against COVID-19 and handling the pandemic in general.¹³⁰²

903. Thus, the Office of the Special Rapporteur notes that within the framework of the administration of vaccines, the State reported the issuance, by Decree No. 1-2021 of the Congress of the Republic of Guatemala, of the Law for the Financing and Acquisition of Vaccines Against the Coronavirus COVID-19. As indicated by the State, this Law was a declaration of national interest and budgetary readjustment for the financing and acquisition of vaccines against COVID-19, and declares the vaccination of the Guatemalan population to be of national interest.¹³⁰³

904. In this regard, the State informed the REDESCA that this regulation also empowered the Ministry of Public Finance to readjust the General Budget of State Expenditures, for the current Fiscal Year, up to an amount of one and a half billion quetzales (Q. 1,500,000,000), this with the aim of increasing the expenditure budget of the Ministry of Public Health and Social Assistance (MSPAS), for the acquisition of COVID-19 vaccines, and thus be able to make it possible to provide a free, universal and voluntary vaccine. At the date of delivery of information by the State, 721,604 doses acquired by the State were registered among the different brands available.¹³⁰⁴¹³⁰⁵

¹³⁰² The Time, [FCCC for vaccines, calls on Giammattei and his Cabinet to "render clear accounts"](#), July 5, 2021

¹³⁰³ Government of Guatemala, COPADEH Response to the Request for Information of the REDESCA, Office Ref. No. DIDEH-853-2021/COPADEH/WB/LDL/lc, September 21, 2021, sent by note verbale NV-OEA-M4-747-2021

¹³⁰⁴ Government of Guatemala, COPADEH Response to the Request for Information of the REDESCA, Office Ref. No. DIDEH-853-2021/COPADEH/WB/LDL/lc, September 21, 2021, sent by note verbale NV-OEA-M4-747-2021

¹³⁰⁵ Government of Guatemala, COPADEH Response to the Request for Information of the REDESCA, Office Ref. No. DIDEH-853-2021/COPADEH/WB/LDL/lc, September 21, 2021, sent by note verbale NV-OEA-M4-747-2021

905. The REDESCA is aware that, according to public information, it was indicated about the purchase of 30,000 false tests to detect COVID-19, which would have deprived that amount of the population of being tested under conditions that met national and international quality standards; therefore, the REDESCA invites the government to pay special attention so that this does not happen again.¹³⁰⁶
906. Following this matter, the REDESCA takes note of complaints made by the national human rights institution, regarding a series of irregularities, leading to the supply of vaccines that has been achieved so far depends largely on donations, and that the immunized population is minimal. According to the Office of the Procurator for Human Rights (PDH), there would have been a lack of diligent management by the high authorities of the MSPAS in the containment of COVID-19 and in the implementation of the National Vaccination Plan, after an opaque negotiation of the authorities in the acquisition of doses of Sputnik V.¹³⁰⁷
907. In this line, the REDESCA notes that the PDH on June 22, 2021 declared the administrative behavior harmful to the interests of Guatemalans, and as a consequence the violation of the Human Right to the integral health of the people who must be vaccinated in the National Vaccination Plan, by the State of Guatemala, through the MSPAS, because the government authorities would not have adopted the actions and measures aimed at guaranteeing the availability and accessibility of vaccines for the vaccination process. It also issued a series of recommendations to the MSPAS to guarantee the availability of vaccines against COVID-19 and improve vaccination processes for adequate care for the population.¹³⁰⁸
908. On the other hand, regarding these figures, the REDESCA is aware that, according to PAHO, until October 29, 2021, there is a record of 3,203,147 complete doses administered. In that sense, according to the same organization, at the indicated date at least one dose would have been administered to 46.4% of the population, however, only 17.55% of people have the full doses.¹³⁰⁹¹³¹⁰
909. For its part, the REDESCA takes note of the findings made by the Health Ombudsman's Office of the PDH, within the framework of its monitoring and observance of human rights; it pointed out that there was a shortage of diagnostic tests for COVID-19, practically in all health services. In Guatemala, the cost of private testing is approximately Q.650.00, which limits the low-income population from choosing to go to private health services.¹³¹¹

¹³⁰⁶ AP News, [Guatemala: VP calls for dismissals for fake COVID tests](#), February 23, 2021.

¹³⁰⁷ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

¹³⁰⁸ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021; Human Rights Ombudsman. Resolution of file REF. EXP.2610-2021 ACUM. REF. EXP.2966-2021. Guatemala, June 22, 2021

¹³⁰⁹ PAHO, Vaccine [COVID-19 Vaccination in the Americas](#), on 29 October 2021

¹³¹⁰ PAHO, Vaccine [COVID-19 Vaccination in the Americas](#), on 29 October 2021

¹³¹¹ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

910. According to the PDH, not having free access to diagnostic tests for COVID-19 in health centers, results in people being denied access to timely diagnoses, and with this, that they receive necessary treatment, being forced to incur out-of-pocket expenses; and above all, the life and health is put at risk, not only of those who seek care, but of all those who are in contact with the patient.¹³¹²
911. For its part, the REDESCA is concerned that, according to the findings made by the same entity, the serious deficiencies in the execution of the National Vaccination Plan against COVID-19 have been made visible, ranging from anomalies in the acquisition of vaccines, and the lack of progress and commitments of the authorities of the Ministry of Public Health and Social Assistance (MSPAS) to expedite the process, exposing a regrettable scenario about the way in which the human right to health of the inhabitants of the country would be systematically violated, by denying timely access to the vaccine and the services of the public health system.¹³¹³
912. Along these lines, the mandate bears in mind that the supervision carried out by the Health Ombudsman's Office in the context of the implementation of the National Vaccination Plan against COVID-19 during Phase I, which corresponded to health personnel, evidenced serious weaknesses within these, such as the failure of the information system, which directly affected the registration system; shortage of personnel in vaccination centers, lack of computer equipment and internet, lack of physical spaces for people to wait to be treated in a dignified manner, etc. Phase II began on May 5, including adults over the age of 70, adults aged 60 to 69, adults aged 50 to 59, people aged 18 and over with comorbid conditions, and education sector workers. By May 2021, there were only vaccination centers in 7 of the 22 departments (Guatemala, Alta Verapaz, Chiquimula, El Progreso, Quetzaltenango, Quiché and Huehuetenango), about which the MSPAS argued that only in these were registering people who wanted to access the vaccine.¹³¹⁴
913. Additionally, on July 2, 2021, the Comptroller General of Accounts of Guatemala filed a criminal complaint against the Minister of Health for the crimes of abuse of authority, breach of duties and embezzlement by theft in relation to the purchase of vaccines against COVID-19.¹⁵⁰ According to the entity, the complaint arises because it was not ensured that there are guarantees for the contract to have the effects established. Likewise, the second charge would be given regarding the lack of disclosure of information by the minister, who would have excused herself from reporting due to the existence of a confidentiality contract that would not have been presented to justify her refusal. Finally, in relation to the signing of the contract, the entity indicated that it was not the competence of the minister to sign that document since it is the competence of another State portfolio to carry it out.¹⁵¹

¹³¹² Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021; Office of the Human Rights Ombudsman. [Supervision of the availability of diagnostic tests for COVID-19 in Health Centers of the Department of Guatemala, Guatemala](#), May 27, 2021. Pages 2 and 3

¹³¹³ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

¹³¹⁴ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

914. In this context, the REDESCA notes that the National Vaccination Plan was updated on July 9, 2021. The update expands the description of phase 310 personnel; and the modalities for prior registration. According to data from the 2018 National Population and Housing Census, only 29% of the population over 7 years old uses the internet; therefore, new ways were sought to reorient the modalities of registration. In this sense, the update of the National Vaccination Plan establishes, in addition to the registration through the corresponding website, the guidelines for the registration of people who do not have access to the internet, who can go to authorized kiosks (health establishments, municipalities, governorates, mobile units for registration) and through coordination of community actors (Community and Departmental Councils of Urban and Rural Development) that can make the registration on the website or move lists of people to health facilities or registration kiosk. This update also contemplates the expansion of the modalities of vaccination posts, establishing guidelines for vaccination posts without prior registration in rural communities in health posts, community halls or public schools. However, it is noted that it makes no reference to an estimated vaccination schedule; rather, it establishes criteria to prioritize the distribution of vaccines in the absence of availability of the doses corresponding to the groups contemplated in the vaccination phases already initiated.¹³¹⁵¹³¹⁶
915. In this regard, the REDESCA welcomes state efforts to ensure that people in the country have access to information. In this sense, the State, through the Secretariat of Social Communication of the Presidency -SCSP-, in accordance with the applicable regulations, carried out the following actions: Coordination with the Ministry of Public Health and Social Assistance -MSPAS- and the Presidential Commission for Attention to the Covid-19 Emergency -COPRECOVID-, to comply with the communication strategy established within the framework of the emergency generated throughout the national territory. As part of the news production during the emergency produced by COVID-19, during the emergency weekly meetings were held with the directors of the government media¹³¹⁷¹³¹⁸¹³¹⁹, with the aim of planning and coordinating the publications from the moment the State was declared in Public Calamity in the country.¹³²⁰
916. The Pan American Health Organization warned in May that Central America saw an increase in the spread of the COVID-19 virus throughout regions of Honduras and Costa Rica bordering Nicaragua, as well as in border regions of Guatemala and El Salvador. On the other hand, the National Vaccination Plan was approved by the Congress of the Republic on January 12. Last March, Guatemala received 81,600 doses of AstraZeneca's vaccine, manufactured by SOUTH Korea's SK Bioscience, through the Covax mechanism, as part of a first round of immunizer allocation. Four

¹³¹⁵ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

¹³¹⁶ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

¹³¹⁷ State of Guatemala, Detailed Report of the Secretary of Social Communication of the Presidency, June 23, 2020

¹³¹⁸ Article 12 of the Law on the Executive Branch, Decree 114-97 of the Congress of the Republic "... has the function of serving as a link of information with the media and of formulating, coordinating and executing the communication policy of the Government of the Republic..."

¹³¹⁹ Diario de Centroamérica -DCA-, through the Ministry of Communications, Infrastructure and Housing -MICIVI-; and the Guatemalan News Agency -AGN- through the Secretary of Social Communication of the Presidency.

¹³²⁰ Government of Guatemala, COPADEH Response to the Request for Information of the REDESCA, Office Ref. No. DIDEH-853-2021/COPADEH/WB/LDL/lc, September 21, 2021, sent by note verbale NV-OEA-M4-747-2021

- months later, an execution of 76% of the budget allocated to the purchase of vaccines was reported, while the country has only received 7% of doses and has applied less than 0.5% to the population.¹³²¹¹³²²¹³²³
917. On April 12, the Minister of Health, Amelia Flores, confirmed, during a subpoena in Congress, that a contract had been signed with Russia for the purchase of 16 million doses of the Sputnik V vaccine and that on April 5 the first payment of 614.5 million quetzales had been made to the Direct Investment Fund of that country (RDIF, in English). In June, 419,903 people were reported vaccinated with the first dose of the AstraZeneca and Sputnik vaccines; likewise, about 68,226 people would have received the complete inoculation. At the regional level, Guatemala holds the penultimate place in the vaccination of its population, with 1.96% of the total population with a first dose. 0.38% would already have the two injections to be immune against the coronavirus.¹³²⁴¹³²⁵
918. Mexico reported that it would donate around 400,000 doses of AstraZeneca's COVID-19 vaccines to Latin American countries, including Belize, Bolivia and Paraguay, as well as Guatemala, Honduras and El Salvador. Similarly, the United States announced the shipment to Guatemala of three million doses of the coronavirus vaccine from the pharmaceutical company Moderna; According to authorities in that country, the drugs arrived at the end of July. With this new donation, there are already 4.5 million vaccines that the US government allocates to the country in an attempt to contain the virus. In addition to the above, Mexican authorities reported in May that Guatemala will participate in the development of the "Patria" vaccine against the coronavirus developed by Mexico.¹³²⁶¹³²⁷
919. On the other hand, this Office of the Special Rapporteur expresses its concern about the situation of the rights of health personnel. In particular, the saturation of hospitals due to COVID-19 cases, low salaries and the lack of better guarantees to work, have caused doctors to begin to resign to seek better opportunities in private hospitals, causing a fall in the quality standards of medical service in public hospitals. Attentive to the above, the REDESCA calls on the country's authorities to monitor the working conditions of health personnel in hospitals.¹³²⁸
920. In summary, the REDESCA has been able to warn that the hospital crisis has been one of the main problems for the country, in the face of the COVID19 pandemic, the lack of key medicines to treat patients, beds and oxygen are the main concerns of the doctors in charge of the country's hospitals;

¹³²¹ The Times, [PAHO warns of accelerated spread of Covid in border areas of the region](#), May 12, 2021.

¹³²² Milenio, Peru, [Guatemala and El Salvador receive first anti-covid vaccines through Covax](#), March 12, 2021.

¹³²³ Free Press, [Five reasons why the arrival of anti-covid vaccines in Guatemala has been complicated](#), May 24, 2021.

¹³²⁴ Relato, Honduras and Guatemala have the slowest vaccination campaigns in the Americas, July 1, 2021.

¹³²⁵ Ditto.

¹³²⁶ Chronicle [U.S. Donates 3 Million More COVID-19 Vaccines to Guatemala; doses will arrive this week](#), July 19, 2021.

¹³²⁷ Free Press, [Coronavirus: Guatemala will participate in the development of the Mexican vaccine Patria](#), May 5, 2021.

¹³²⁸ The Newspaper, [Doctors resign from the health system](#), January 19, 2021.

because of this, the mortality rate of patients admitted to hospitals has been very high, so it is clear that the State has not been able to adequately guarantee the right to health to its population.¹³²⁹

921. Now, this Office of the Rapporteur takes note of the effort made by the country's Congress, since the fact that the Bloc Leaders will unify efforts to elaborate the regulations is something important and as a result of this a unique law in its matter can be approved, the COVID-19 Emergency Law, which if it complies with the entire legislative process, would facilitate procedures and resources to provide supplies to doctors, nursing staff and the Ministry of Public Health and Social Assistance in general to meet the increase in cases of coronavirus.¹³³⁰

922. Considering the information mentioned above, the REDESCA urges the State, within the framework of the execution of its public vaccination policy, to guarantee appropriate transparency and accountability processes, recalling the obligation to proactively provide actionable, understandable, useful, truthful and reliable information on all aspects of public interest related to vaccines. the REDESCA reminds the State that it has an obligation to eradicate corruption in the field of distribution and application of vaccines; including the protection of those who report crimes of corruption in the health sector or in others.¹³³¹¹³³²

B. Climate Emergency and Human Right to Water

923. The REDESCA has received information on what was expressed by different civil organizations in the country in relation to the Escazú Agreement, in particular in their pronouncements they highlighted the importance of the agreement as a legal instrument for environmental protection, which in turn would strengthen the Action of the State in the face of problems related to the environment. Along these lines, civil society demanded the convening of all living sectors of the country to reflect on the scope of the Escazú Agreement and express their recommendations in this regard.¹³³³

924. Along these lines, the REDESCA takes note of the pronouncement made by the Guatemala Forum "United for Life!", of August 18, 2021, in which it expresses that Guatemala is in an area highly vulnerable to suffering disasters, occupying the tenth place globally. Thus, the Office of the Special Rapporteur expresses its concern regarding the availability of water in the territory. According to civil society, of the total consumable water, only 2% is used in households, 39% is used for industry, 27% for agriculture and 26% for hydroelectric plants. And although there are 28 bills related to water, there is still no specific law. In this regard, the REDESCA considers it urgent that Guatemala have a regulatory framework and public policies that put the human right to water at the center. In this sense, they are aware of the call to implement a watershed approach in water

¹³²⁹ Free Press, [Hospital crisis: This is how they live the escalation of cases of covid-19 in the different healthcare centers of Guatemala](#), September 12, 2019.

¹³³⁰ Telesur TV, [Guatemala's Congress Seeks to Pass Emergency Anti-Covid Law](#), September 12, 2019.

¹³³¹ IACHR, [Resolution 1/2021: COVID-19 vaccines within the framework of inter-American human rights obligations](#), April 6, 2021

¹³³² IACHR, [Resolution 1/2021: COVID-19 vaccines within the framework of inter-American human rights obligations](#), April 6, 2021

¹³³³ The Hour, [More than 80 organizations ask to ratify the Escazú Agreement](#), June 30, 2021.

- management, considering the existence of a crossing between water recharge zones and forest in Mayan, Garifuna and Xinca areas, areas where there are mining and hydroelectric interests. ¹³³⁴¹³³⁵
925. Likewise, REDESCA has received information on the pollution of the Motagua River, and the impact that this brings to the coastal municipalities of Trujillo, Omoa, Puerto Cortés, Tela, Guajana, La Ceiba, Islas de la Bahía and Puerto Barrios; all this causes that the inhabitants cannot carry out their professional activities in the place, in addition to the fact that the pollution rates are very high, which also affects their right to health, as it causes a series of infections and viruses to those who populate the region.¹³³⁶
926. This Office of the Special Rapporteur expresses its concern about what happened in the regions near the Pantaleón River, where heavy rains and the accumulation of sediments in its channel caused the change of the river's tributary and with it important floods in the region, affecting communities, roads and bridges, crops, livestock, shrimp and homes; in addition, it could put at risk the mangrove area and the livelihoods of the estuary, such as fishing and tourism. ¹³³⁷ The REDESCA expresses its concern in this context, since the effects of climate change and environmental degradation are particularly serious for those populations that are in a situation of special vulnerability or historical discrimination, despite the fact that they contribute very marginally to greenhouse gas emissions, such as women, girls, children and adolescents, indigenous peoples, people of African descent and people living in rural areas or living in poverty.¹³³⁸
927. To this is added that according to the *Germanwatch Climate Risk Index*, Guatemala would be among the 20 countries with the highest risk from climate change between 2000 and 2019. De hence the measures that Guatemala adopts to protect its population against the effects of climate change and environmental degradation, from a human rights perspective, it results from the utmost urgency.¹³³⁹
928. The Office of the Special Rapporteur paid special attention to what happened in the Region of Sololá, as a result of floods, landslides, and huge stones caused by the rains that have seriously affected the inhabitants of the region. The Red Cross reported that they worked on the provision of temporary accommodation for around 10,000 residents of the guineales village and its surroundings, in Santa Catarina Ixtahuacán, Sololá. In this line, the REDESCA is aware that according to the National Coordinator for Disaster Reduction (CONRED), the rainy season of this year, which goes from May to October, the authorities registered, until the month of June, 5 people killed, 2 injured, 266 affected, one thousand 170 victims, 4 thousand 430 evacuated, 178 sheltered

¹³³⁴ Vulnerable Guatemala Forum: Unity for Life, Declaration of the Virtual National Meeting on August 18 and 19, 2021

¹³³⁵ Ibid.

¹³³⁶ The Tribune, [Guatemala to be sued for polluting Motagua River](#), August 30, 2021.

¹³³⁷ Republic [Pantaleón River changes course and affects communities, crops and roads](#), September 12, 2021.

¹³³⁸ IACHR and REDESCA, [In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions](#), November 4, 2021

¹³³⁹ Germanwatch, [Global Climate Risk Index](#), January 2021

and 6 thousand 363 people attended. In addition, there are 34 homes with severe damage, 768 with moderate damage, 368 with slight damage and at least 34 roads destroyed¹³⁴⁰¹³⁴¹

929. Thus, the REDESCA takes note that the aftershocks of hurricanes Iota and Eta that affected Guatemala in November 2020. keep 36 per cent of the population in a situation of "displacement"; this in Alta Verapaz and Huehuetenango. Around 311,317 people were forced to evacuate the area and caused damage to 1.7 million inhabitants of Guatemala, with Alta Verapaz and Izabal as the most affected departments.¹³⁴²

930. For its part, the Office of the Special Rapporteur is aware that according to a report issued by the International Organization for Migration (IOM), it was determined that in 1 in 10 households in the departments of Alta Verapaz and Huehuetenango, a family member intends to migrate in the next 12 months due to poverty. Government entities consider that the largest losses were recorded with the destruction of private homes, with 2,444 million quetzales in damage.¹³⁴³

931. In addition to the above, the REDESCA is aware that, in June, more than 80 organizations and some 17 individuals requested the urgent ratification of the Escazú Agreement, signed by Guatemala on March 4, 2018, which Congress does not plan to approve. In the statement, they highlighted the importance of the agreement as a legal instrument for environmental protection, which, in turn, would strengthen the State's actions in the face of problems related to the environment. They also call for gradual compliance with the adaptation of complementary legislation to introduce the standards that the Agreement establishes in relation to access to information, access to participation and access to justice in environmental matters, providing prevention and protection measures for environmental defenders.¹³⁴⁴¹³⁴⁵

932. The REDESCA notes with concern that the effects of climate change continue to impact the most vulnerable sectors of the country as indicated in the preceding paragraphs. The Office of the Special Rapporteur recalls that in these contexts both the right to life, as well as the right to food, housing, health, water, and a healthy environment are being and will be increasingly impacted, causing an unprecedented social crisis, which is also added to that generated by the pandemic. To that extent, the Office of the Special Rapporteur urges the State, within the framework of its human rights obligations, as well as its responsibility for its climate commitments; update their NDCs, which should include the cumulative impact of climate occurrences on the population from a rights and gender equal perspective.¹³⁴⁶

¹³⁴⁰ I'm 502, [Some 10,000 people could be evacuated after floods in Sololá](#), June 13, 2021.

¹³⁴¹ Yahoo! News, [The rainy season leaves five dead and 266,000 affected in Guatemala](#), June 14, 2021.

¹³⁴² CRN News, [Hurricanes Eta and Iota still generate displaced people in Guatemala](#), May 5, 2021.

¹³⁴³ CRN News, [Hurricanes Eta and Iota still generate displaced people in Guatemala](#), May 5, 2021.

¹³⁴⁴ The Hour, [More than 80 organizations ask to ratify the Escazú Agreement](#), June 30, 2021.

¹³⁴⁵ Ditto.

¹³⁴⁶ IACHR and REDESCA, [In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions.](#), November 4, 2021

C. Business and Human Rights

933. In the context of business activities and human rights, the REDESCA takes careful note of the situation in which different projects implemented by companies would have direct impacts on the enjoyment of individuals' rights. In this regard, the Office of the Special Rapporteur draws special attention to the current situation in the municipality of El Estor, where there have been incidents between local communities and public authorities.
934. In this regard, the REDESCA highlights its pronouncement of November 4, 2021, in which together with the IACHR they condemned the excessive use of force and repression against Q'eqchi' Mayan indigenous peoples, journalists, and the media. Especially in the context of mining activities in the project known as Fénix, the Office of the Special Rapporteur points out that the exploitation activities of the Guatemalan Nickel Company (CGN), a subsidiary of the Russian firm Solway Investment Group, could seriously contaminate Lake Izabal, destroy regional flora and fauna, and endanger the health and life of the population of the area; therefore, they have been rejected by the population of the area and Mayan Q'eqchi' communities.¹³⁴⁷
935. In this regard, the REDESCA reminds the State of its duty to listen effectively to affected individuals, communities and populations, taking their concerns seriously, as part of its obligation to prevent violations and monitor the effective enjoyment of human rights in the context of business activities. These obligations are reinforced when, as happens to those who inhabit the Municipality of El Estor, the protection of their territories depends on the realization of other rights, such as food, the right to water or the healthy environment, whose satisfaction is critical for the subsistence of the peoples who live there.¹³⁴⁸
936. Consequently, the REDESCA calls on the State to urgently apply a human rights perspective, as well as human rights and business, in all measures adopted to address the social conflict against the exploitation of the Fénix Mine, including the effective exercise of the right to free and informed prior consultation of indigenous peoples and the effective participation of the population around projects and business activities that affect them. Affect.¹³⁴⁹
937. In the same vein, the REDESCA takes note of the situation of environmental defender Bernardo Caal Xól, who is a leader of the peaceful resistance of Cahabón, a collective of 38 Q'eqchi' Mayan communities in the northern department of Alta Verapaz, in northern Guatemala. In 2015, he organized peaceful opposition to the Oxec hydroelectric project, which communities say endangered their sacred Cahabón River. Currently Mr. Caal Xól is serving a sentence of 7 years and 4 months handed down in 2018, despite a lack of evidence against him, according to United Nations experts. Along these lines, the REDESCA shares the concern expressed by the experts indicating

¹³⁴⁷ IACHR, [IACHR Condemns Excessive Use of Force and Repression against Q'eqchi' Maya Indigenous Peoples, Journalists, and Media outlets in El Estor, Guatemala](#), November 4, 2021

¹³⁴⁸ IACHR, [IACHR Condemns Excessive Use of Force and Repression against Q'eqchi' Maya Indigenous Peoples, Journalists, and Media outlets in El Estor, Guatemala](#), November 4, 2021

¹³⁴⁹ IACHR, [IACHR Condemns Excessive Use of Force and Repression against Q'eqchi' Maya Indigenous Peoples, Journalists, and Media outlets in El Estor, Guatemala](#), November 4, 2021

that Mr. Caal Xól's health would deteriorate, since the detention center where he is being held is overcrowded, with poor food, health and sanitation services.¹³⁵⁰¹³⁵¹

938. The REDESCA urges the State of Guatemala to safeguard the rights of Mr. Caal Xól, both in the context of the criminal proceedings brought against him and the facts that led to his prosecution. In this regard, the REDESCA rejects the misuse of the criminal justice system against rights defenders by the authorities and the companies themselves in order to limit their work. This situation not only individually threatens the rights of such people, but generally jeopardizes the proper protection of human rights, including the healthy environment, by intimidating, criminalizing and creating a hostile environment for those engaged in this important work.¹³⁵²

D. Labor and Trade Union Rights

939. With regard to the situation of labor and trade union rights, with regard to guarantees in this area for workers in the health sector; REDESCA notes that the PDH documented that the MSPAS has not established any financial compensation mechanism for all overtime working. Through Decree 20-2020 of the Congress of the Republic, in a budget expansion, 26 million quetzales were allocated, for a risk bonus of Q.800.00 for health personnel in Guatemala; however, by 2021 it was no longer assigned, nor was it contemplated to continue with that bonus.¹³⁵³

940. Although there is a regulation to contemplate a benefit to health workers, this has not materialized. In this regard, the REDESCA reminds the State that part of the effective protection of the right to health implies the due guarantee of the labor rights of people working in the sector. Therefore, within the policies that the State implements in this regard, these must contain the protection of their job stability, rest and fair and adequate remuneration. It is part of the public interest to promote their social recognition, to ensure the mental support and care of workers and caregivers of the right to health who professionally care for people with COVID-19 and other diseases.¹³⁵⁴

941. With regard to the situation of just and equitable conditions of work, the REDESCA takes note of the complaints made regarding the situation of women workers in the maquila sector. According to a study conducted by civil society, people who work in the maquilas receive the lowest salary in the country. This data worries the REDESCA, since given the wage gap that exists between men and women in the country that for 2019 was registered at 10.67%, which is equivalent to 269,000 quetzales less, the impact of salaries is low impact in a differentiated way to women who comprise the majority of the industry. Similarly, the situation of people who work in these conditions could be impacted considering that according to the Committee of Agricultural, Commercial, Industrial and Financial Associations; only 20% of the country's economically active population receives the

¹³⁵⁰ UN [Guatemala: Stop treating indigenous human rights defenders as criminals – UN experts](#), 27 July 2021

¹³⁵¹ UN [Guatemala: Stop treating indigenous human rights defenders as criminals – UN experts](#), 27 July 2021

¹³⁵² IACHR, [Business and Human Rights: Inter-American Standards](#), November 1, 2019, par. 323

¹³⁵³ Office of the Human Rights Ombudsman of Guatemala, Information on irregularities in the COVID-19 vaccination process in Guatemala, Official Letter No. DP-SMIP-46-23021-mvlg, August 3, 2021

¹³⁵⁴ IACHR, [Resolution 4/2020: Human Rights of Persons with COVID-19](#), July 17, 2020, par. 40

real minimum wage, while 80% work in informality and do not have access to Social Security.¹³⁵⁵¹³⁵⁶¹³⁵⁷

942. In this vein, the Office of the Special Rapporteur is aware that the constitutional court of the country, through a judgment of July 15, 2021, decreed the partial constitutionality of the Regulations on the modality of part-time contracts, in accordance with the provisions of ILO Convention 175 issued by Governmental Agreement 89-2019. In this regard, the REDESCA notes that the country's private sector welcomed the entry into force of the agreement, arguing the economic benefits that this would mean for the ease of labor contracting. For their part, union leaders have expressed doubts regarding the guarantee of acquired and recognized labor rights, mainly regarding the impacts on social security benefits.¹³⁵⁸¹³⁵⁹

943. The REDESCA recalls that the right to work implies that it is dignified, that is, that it respects the fundamental rights of the human person, as well as the rights of workers in relation to conditions of occupational safety and remuneration. Therefore, the Office of the Special Rapporteur urges the State to take into account the guarantees of labor stability and all applicable international and inter-American standards to the extent that the aforementioned decree is applied, in order to prevent regression in the protection of rights.¹³⁶⁰

E. Fiscal and Economic Policies

944. Regarding the implementation of fiscal and economic policies from a human rights perspective, the REDESCA expresses its concern about the high rates of poverty and inequality in the country, particularly affecting indigenous peoples and other groups in situations of special vulnerability. As reflected in the OXFAM report, "Between The Sky and the Ground", the structural nature of inequality in Guatemala is reflected in the lack of access to and enjoyment of human rights in general and ESCERs in particular, such as the right to health, food, education or employment.¹³⁶¹

945. The 2021 Draft Budget envisaged a smooth transition from providing income support to improving allocations to social programs and public investment. In the absence of approval of the draft 2021 Budget, ongoing readjustment efforts should aim at (i) a focused increase in cash transfers for health, nutrition and education in line with the deterioration of social indicators during 2020; and (ii) increased public investment. Additional efforts to focus the provision of cash

¹³⁵⁵Labor Investigations Team Association, [A Living Wage is a Global Human Right 2021: A Comparison of Minimum Maquila and Food Baskets in Central America](#), September 2021

¹³⁵⁶ Women in Solidarity Association: Central American Observatory on Labor Violence, [Adverse work environment for Guatemalan women](#), No.3, July-September 2021

¹³⁵⁷ Labor Investigations Team Association, [A Living Wage is a Global Human Right 2021: A Comparison of Minimum Maquila and Food Baskets in Central America](#), September 2021

¹³⁵⁸ Constitutional Court of Guatemala, Accumulated Records 4958-2019 and 5135-2019, Judgment of July 15, 2021

¹³⁵⁹ Free Press, [Part-time returns: CC revokes suspension of regulations for hourly hiring](#), July 15, 2021

¹³⁶⁰ IACHR, Report No. 5/18. Case 12.428. Admissibility and substance : Employees of the fire factory in Santo Antônio de Jesus and their relatives. Brazil. OEA/Ser.L/V/II.167 Doc. March 29.2, 2018. Pair. 158

¹³⁶¹ OXFAM, [Between the sky and the ground, multidimensional radiography of inequality in Guatemala](#), March 2019

transfers digitally and ensure the provision of education either by virtual or face-to-face means are critical to prevent post-COVID losses of human capital.¹³⁶²

946. In this regard, the Office of the Special Rapporteur reminds the State that in the context of the pandemic there is an increase in the extreme conditions that people living in poverty have to be forced to face in order to reach minimum levels of subsistence, drawing attention to the fact that this critical situation will tend to worsen exponentially if the States do not already assume clear policies and decisions that allow them to guarantee their ESCER. In short, the context of the pandemic produces disproportionate, unfair and often unmanageable burdens, having to face daily the dilemma of maintaining social isolation or failing to comply with the measures provided in order to survive.¹³⁶³

947. The REDESCA urges the State to implement new state policies that allow the protection of people in the most vulnerable situation in the country, including those that allow fiscal relief also to those who have lost their jobs or do not have a regular fixed income or are in a situation of poverty, of extreme poverty or who live in the street.¹³⁶⁴

F. Education, science, technology: academic freedom and university autonomy

948. Within the framework of the guarantee of the right to education, particularly in the context of the pandemic, the REDESCA notes that according to the PDH in the country almost 4 million students stopped attending schools in person, thus affecting the ability to continue with their learning processes. Although it is borne in mind that the State has implemented a strategy through the implementation of the "Aprendo en Casa" program, it had some difficulties for its full execution.¹³⁶⁵

949. This is because 18.5% of households in the country do not have a TV, a radio, a computer or internet access. This figure rises to 29.3% in rural areas and even 60% in certain localities. The REDESCA is particularly concerned that these technological barriers would have a differentiated impact on rural areas of the country, given the considerable increase in the figures surveyed. In that sense, the REDESCA is aware that in certain places the only way to access some type of subject in some populations was through the assignment of tasks through instant messaging services or telephone calls.¹³⁶⁶¹³⁶⁷

¹³⁶² IMF Guatemala: Statement at the end of the mission on the 2021 Article IV Consultation, 4 May 2021

¹³⁶³ IACHR, IACHR and its REDESCA Urge States to Effectively Protect People Living in Poverty and Extreme Poverty in the Americas in the Face of the COVID-19 Pandemic, June 2, 2020

¹³⁶⁴ IACHR, IACHR and its REDESCA Urge States to Effectively Protect People Living in Poverty and Extreme Poverty in the Americas in the Face of the COVID-19 Pandemic, June 2, 2020

¹³⁶⁵ Guatemalan Human Rights Ombudsman, On National School Day and International Education Day, the Human Rights Ombudsman, Jordán Rodas Andrade, recommends that the relevant bodies guarantee the right to education and health of the school population, in the face of the persistent threat of COVID-19, 14 January 2021

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¹³⁶⁷ Human Rights Watch, Years dont wait for them: Increased inequities in children's rights to education due to the COVID-19 pandemic, 17 May 2021

950. Likewise, in relation to the television programs that would be broadcast by the State, these would not meet their expectations since the channel through which they are transmitted could not be seen in certain areas, nor would all students have access to teaching materials due to the shortage of these in educational centers. In this context, according to research conducted by Human Rights Watch, teachers have chosen to prepare material to be distributed to students during food delivery days.¹³⁶⁸
951. The REDESCA is concerned that these events may have a disproportionate impact on people living in rural areas of the country, especially with regard to the academic lags that this could entail. In this sense, according to a World Bank report, given the current context of school closures, Guatemala could lose up to 18% of learning-adjusted years of schooling. This means that fewer people will have more years of training in educational centers in a formal way.¹³⁶⁹
952. The REDESCA welcomes the efforts that the State has made to take action against the closure of educational centers, including guaranteeing access to food for children and adolescents. Likewise, it also has in mind the presentation of a protocol for the return to classes addressed to the departmental directors of the Ministry of Education. However, the Office of the Special Rapporteur is concerned that there is a disproportionate impact on access to educational services for people living in rural areas or far from urban hotspots. In this regard, the REDESCA recalls that Resolution 1/2020 of the IACHR indicates that States must have mechanisms that allow all children and adolescents to continue with access to education.¹³⁷⁰¹³⁷¹
953. Similarly, the Office of the Special Rapporteur reiterates that special attention should be paid to the social and economic conditions of each population group, particularly to children who live in rural areas or who live on the streets, considering (among other factors) the existing digital divide. Therefore, the REDESCA urges the State that within the framework of the actions that are implemented in the face of school reopening, it is taken into consideration that actions must also be carried out aimed at transforming educational systems into inclusive and structurally resilient systems. In this context, the reopening of schools is a primary objective that must be considered in view of the health conditions of the region and the country, with attention to the best interests of children and adolescents.¹³⁷²¹³⁷³

G. Human Mobility and ESCER

954. In the context of human mobility and the guarantee of ESCER, the REDESCA takes note of the data regarding the number of unaccompanied children and adolescents who are held by the U.S. border patrols of Guatemala. So far this year, more than 2,500 unaccompanied children deported from the United States and Mexico have been identified. In this regard, the REDESCA looks with concern at

¹³⁶⁸ Human Rights Watch, [Years dont wait for them: Increased inequalities in children's rights to education due to the COVID-19 pandemic](#), 17 May 2021

¹³⁶⁹ World Bank [Let's act now to protect the human capital of our children](#), 2021, p. 37

¹³⁷⁰ Ministry of Education of Guatemala, [Back-to-School Protocol: For Departmental Director of Education](#), January 2021

¹³⁷¹ IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 64

¹³⁷² IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 67

¹³⁷³ IACHR, [Practical Guide No. 02: How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic?](#), 2020, p- 10-11

- the little information regarding the guarantee of access to health services in deportation proceedings or the guarantees that have been given for the protection of their health and integrity.¹³⁷⁴
955. This situation presents a special concern, since in January 2021 the violent death of 16 Guatemalan migrants was reported in the state of Tamaulipas, Mexico. Investigators believe they were killed as part of a turf war between gangs that control human trafficking routes. Twelve Mexican police officers have been arrested in connection with the killings.¹³⁷⁵
956. Given this context, it is up to the Office of the Special Rapporteur to identify the factors that motivate people to leave their territories. According to a study conducted on the characterization of international migration in Guatemala, households that reported international migration and/or remittances would have less presence of people in the early ages (0-14 years) in these households. In addition, there has been a high migration in young ages since the five-year period 20-24, especially that of men.¹³⁷⁶
957. In this regard, the Office of the Special Rapporteur notes that for households that reported international migrants and remittances, the percentages that evaluate unmet need by area are lower than those of the population that did not report international migrants or the receipt of remittances. This could reinforce an assumption about the quality of housing in remittance-receiving households, given that they could possibly invest a little more in the restoration, construction or remodeling of their homes. Above all, while it is identified that the lowest percentages in this dimension are located in households that reported only remittances as a source of income.¹³⁷⁷
958. However, the REDESCA is aware that other factors such as structural deficiencies for equitable access to water and sanitation services, formal employment and quality education are also other elements that characterize people who leave the country. This also has implications for the sectors from which people leave, with rural areas being notoriously higher than people leaving urban sectors.¹³⁷⁸
959. To this extent, the REDESCA is aware that, in the context of the pandemic, plus the occurrence of the impacts of hurricanes Eta and Iota, the number of people in need of assistance in the area increased by 60%. In this regard, the REDESCA welcomes the implementation of a Response Plan coordinated by the UN Office for the Coordination of Humanitarian Affairs (OCHA). This plan seeks, first of all, to contribute to protecting the life and dignity of people affected and at risk by the impact of violence, displacement, the effects of disasters and COVID-19 with a human rights approach and taking into account factors such as protection, age and gender. Similarly, in addition

¹³⁷⁴ AP News, [Hundreds of Unaccompanied Guatemalan Children In the U.S.](#), July 14, 2021.

¹³⁷⁵ BBC World, [Tamaulipas massacre: Relatives bury 16 Guatemalan migrants killed](#), March 15, 2021.

¹³⁷⁶ IOM and the United Nations Population Fund, [Characterization of International Migration in Guatemala](#), 2021, p. 10

¹³⁷⁷ IOM and the United Nations Population Fund, [Characterization of International Migration in Guatemala](#), 2021, p. 14

¹³⁷⁸ IOM and the United Nations Population Fund, [Characterization of International Migration in Guatemala](#), 2021, p. 15-16

to this immediate stage, the Plan intends to help implement sustainable development solutions that promote access to essential services, respect for human rights, and the self-sufficiency and resilience of those affected and at risk.¹³⁷⁹¹³⁸⁰

960. The Office of the Special Rapporteur calls on the State to take the necessary measures to prevent the departure of people living in Guatemala at the risk of their lives and integrity. In particular, the REDESCA is aware that part of the factors that move people to leave their territories are precisely the living conditions and the social situation in which they can find themselves. Thus, the Office of the Special Rapporteur recalls that in the context of the pandemic, States have the obligation to expressly include populations in a situation of human mobility in the policies and actions of economic recovery that are necessary at all times of the crisis generated by the pandemic.¹³⁸¹
961. Likewise, the REDESCA recalls that States must refrain from implementing measures that may hinder, intimidate and discourage the access of people in situations of human mobility to programs, services and policies of response or attention to the COVID-19 pandemic.

¹³⁷⁹ UN News, UN appeals for \$588 million for humanitarian response to El Salvador, Guatemala and Honduras, September 7, 2021.

¹³⁸⁰ UN News, UN appeals for \$588 million for humanitarian response to El Salvador, Guatemala and Honduras, September 7, 2021.

¹³⁸¹ IACHR, Resolution 1/2020, April 10, 2020, para. 62

19) GUYANA

962. Through its different mechanisms, the SRESCER has constantly monitored the human rights situation in Guyana, closely monitoring its economic growth, and the social and environmental consequences generated by the expansion of the oil industry in the country. Below are the most relevant situations identified in relation to some of the main strategic lines of the mandate, that is, the right to health and its social determinants, climate emergency and the right to water, business and human rights, fiscal policies, labor law, the right to education, and human mobility and ESCER.

A. Right to Health and its Social Determinants

963. The SRESCER has been monitoring the challenges to the guarantee of the right to health in Guyana, and has closely followed the reports of infections and deaths due to Covid-19 in the year of 2021. According to the Ministry of Public Health of Guyana, at the close of December 14, 2021, there are 38,618 confirmed cases of COVID-19 and a total of 1,024 people killed in the country.¹³⁸²

964. As for vaccination, according to information from the Pan American Health Organization (PAHO) on December 8, 2021, Guyana has vaccinated 78.8% of the adult population, of which 55.3% is fully vaccinated. Children and adolescents between 12 and 17 years old have been vaccinated with the Pfizer vaccine, and to date, 40.5% of children have received their first dose of the Pfizer vaccine, and 28.4% are fully vaccinated.¹³⁸³

965. On December 6, the SRESCER notes that, according to PAHO, Guyana received 42,120 doses of Pfizer's COVID-19 vaccine through the COVAX facility to ensure equitable distribution of COVID-19 vaccines worldwide. This was the fifth donation of COVID-19 vaccines to Guyana through COVAX. The donated doses will reinforce Guyana's National COVID-19 Vaccination Program, which is open to pregnant and nursing mothers and eligible adolescents – ages 12 to 18.¹³⁸⁴

966. In addition, THE SRESCER received the information that, on June 30, 2021, the World Bank approved additional funding of \$6 million for the COVID-19 Emergency Response Project in Guyana, in order to support affordable and equitable access to vaccines and ensure the effective deployment of the vaccine in Guyana. The project also aimed at preparedness, resilience and overall strengthening of the health system.¹³⁸⁵

967. In this context, the SRESCER reinforces that international cooperation must be guided by the principle of international solidarity, and it is crucial for the equitable distribution of vaccines to respond to the realities and needs of all States in the region, with special attention to those with less financial, institutional and technological capacity, so it is essential to guide efforts to facilitate the implementation of tools and mechanisms that seek to ensure the development and production of tests, treatments and vaccines against COVID-19. In view of the above, the Office of the

¹³⁸² Ministry of health, Guyana COVID-19, December 14, 2021

¹³⁸³ PAHO, Guyana receives 42,120 doses of Pfizer COVID-19 vaccines through COVAX mechanism, donated by the Government of the United States, December 8, 2021

¹³⁸⁴ PAHO, Guyana receives 42,120 doses of Pfizer COVID-19 vaccines through COVAX mechanism, donated by the Government of the United States, December 8, 2021

¹³⁸⁵ World Bank, World Bank Approves US\$6 Million in Additional Financing for COVID-19 Response and Vaccines in Guyana, June 30, 2021

Special Rapporteur observes with enthusiasm that there was international cooperation for the donation of vaccines to the State of Guyana, as well as financial support to confront the pandemic.

B. Climate Emergency and Human Right to Water

968. Regarding the climate emergency, the SRESCER notes that, at a time when global leadership is under pressure to reduce its countries' dependence on oil, coal and natural gas – one of the main targets of the COP26 talks in Glasgow – Guyana is becoming the world's new oil producer.¹³⁸⁶ In this context, the State must strike a balance between the extraction of oil as a source of resources to combat poverty and the confrontation against the climate crisis. Faced with the economic transformation of the country in which oil production is decisive for economic growth, the SRESCER urges the State to adopt environmental policies that guarantee the protection of a healthy environment and the protection of ESCERs of communities, especially groups in special conditions of vulnerability.

969. On the other hand, the Office of the Special Rapporteur learned that waters in Guyana are rising faster than the world average, with high tides periodically sweeping the top of the levees, while salt water is contaminating wells near the coast. This change in rainfall patterns is overloading Guyana's drainage systems, with calamitous results. Rising sea levels also make Georgetown one of nine major cities in the world projected to go underwater by 2030 if greenhouse gas emissions continue at the current rate. This is particularly worrying about the high-intensity rainfall that took place in the country this year. From May 18 to June 8, 2021, more than 25,000 homes affected by the floods were reported in more than 300 communities across Guyana.¹³⁸⁷¹³⁸⁸

C. Business and Human Rights

970. In relation to business and human rights, the SRESCER learned that the new project of the ExxonMobil company – which extracts oil in ultra-deep water drilling operation since 2019 in the country – faces accusations from experts who say that the company has not adequately prepared for a potential environmental and social disaster in the State. According to them, the lives and health of workers, as well as the oceans and fisheries, are at stake. Environmental advocates and activists also suggest that Exxon also cannot reconcile the project with its public commitments to tackle climate change and reduce carbon emissions. For its part, the company maintains that it complies with all applicable laws in Guyana and that it has followed a rigorous process to obtain environmental authorization for its projects there.¹³⁸⁹¹³⁹⁰

971. Therefore, the SRESCER highlights the need for the State and companies operating in Guyana to implement the standards and recommendations derived from the business and human rights report. In this way, the SRESCER is once again at the disposal of the State to socialize and identify actions aimed at complying with these recommendations.¹³⁹¹

¹³⁸⁶ NPR *Guyana is a poor country that was a green champion. Then Exxon discovered oil*, November 7, 2021

¹³⁸⁷ Aljazeera, *With oil boom, Guyana walks a tightrope on growth and climate*, November 12, 2021

¹³⁸⁸ News Room, *Over 25,000 households affected by floods across more than 330 communities*, June 8, 2021

¹³⁸⁹ The Guardian, *Exxon's oil drilling gamble off Guyana coast 'poses major environmental risk*, August 17, 2021

¹³⁹⁰ The Guardian, *Exxon's oil drilling gamble off Guyana coast 'poses major environmental risk*, August 17, 2021

¹³⁹¹ REDESCA, *Business and Human Rights: Inter-American Standards*, OAS/ Ser. L/V/II, Para. 45, 1 November 2019

D. Labor and Trade Union Rights

972. Regarding the right to work, the SRESCER notes that the Guyana Labor Force Survey (LFS) shows that, in the third quarter of 2021, the employment rate of the population was recorded at 42.4% in the third quarter of 2021, with a significant difference between the rate of men (54.6%) and that of women (30.9%).
973. Similarly, the country's unemployment rate, which was 14.5% in the third quarter of 2021, is worrying. The unemployed rural population accounts for the vast majority of the total unemployed, as well as the unemployment rate of women is higher than that of men, and the youth unemployment rate was recorded at 31.9 per cent. Because of these data, the Office of the Special Rapporteur on ESCER calls on the State to develop inclusion policies with a view to achieving gender equality, as well as for young people in order to increase the participation of this group in the labor market.
974. On the other hand, the SRESCER expresses concern with the information available in an IOM study that found that the informal economy accounts for a significant part of employment and subsistence in Guyana, with official estimates ranging from 45% to 52% of the country's total economic activity, and its prevalence would increase in rural areas. Informality generates human rights problems that must be taken into account, such as the absence of coverage under the umbrella of social protection, including labor laws and social safety nets, such as national insurance and other forms of social insurance, creating vulnerabilities for those involved in the informal sector, especially migrant workers, putting them at risk of exploitation.¹³⁹²
975. Therefore, the SRESCER to the State to take effective measures to enable the transition of workers from the informal to the formal economy so that the country obtains the maximum benefits from its available workforce, while guaranteeing minimum labor rights to workers, especially migrants who are in a vulnerable situation.

E. Fiscal and Economic Policies

976. In relation to fiscal and economic policies, the SRESCER notes that, according to the semi-annual report of the Ministry of Finance for 2021, Guyana recorded a real growth of gross domestic product (GDP) of 14.5%, while non-oil GDP grew by 4.8%, despite the challenges of the COVID-19 pandemic and the floods experienced in May-June in 2021 that especially affected the agricultural sectors, forestry and mining.¹³⁹³
977. According to the government, the revised forecast for real GDP growth in 2021 is now 19.5% overall and 3.7% for the non-oil economy. Regarding inflation, the Office of the Special Rapporteur is concerned that by the end of the first half of 2021 consumer prices have grown by 5.6%. According to the Government, this was largely due to the increase in food prices as a result of the climate and shortages experienced after the flood. Therefore, the SRESCER calls on the State¹³⁹⁴ to

¹³⁹² International Organization for Migration (IOM), Planning for Prosperity: Labor Migration and Guyana's Emerging Economy, 2021, retrieved 16 December 2021

¹³⁹³ MOF, 2021 Mid-Year Report reveals, 5 October 2021

¹³⁹⁴ MOF, 2021 Mid-Year Report reveals, 5 October 2021

adopt effective economic measures to contain inflation, especially the rise in food prices, seeking to guarantee basic social rights.

F. Education, science, technology: academic freedom and university autonomy

978. With regard to the right to education, SRESCER notes with satisfaction that the Ministry of Education has launched its Five-Year Plan for the Education Sector (PES) 2021-2025, which included inputs from international organizations such as UNICEF, UNESCO, CARICOM and the World Bank. The strategic plan, which aims to eliminate illiteracy, improve tolerance and modernize education, is guided by five main priority areas, namely: improving governance and accountability; improve performance at all levels; improving the efficiency of the education system; reduce inequalities in education; and contribute to lifelong learning and employability.¹³⁹⁵

979. The SRESCER also notes that virtual learning has expanded in 2021, after it was initially introduced late last year as a way to reach students who were stuck in pandemic lockdowns. According to the information gathered, there are almost 33,000 pupils in 239 schools in the villages of the interior. More than 7,000 of them are high school students in 13 high schools. The project will benefit from special COVID funding, which boosts Internet services in remote areas. In addition, the Office of the Special Rapporteur emphasizes that the Government of Guyana would be building new infrastructure for another key project: the Learning Channel, which provides for the satellite connection of six cable television channels to remote and rural villages so that educational programming reaches children of all grades, even in remote and sparsely populated areas, could benefit.¹³⁹⁶¹³⁹⁷

980. In light of the above, the SRESCER reinforces that the right to education must be at the service of all people, especially those who are in a situation of vulnerability, and must reach the indigenous communities furthest from urban centers, allowing digital inclusion and respecting cultural multiplicity.

G. Human Mobility and ESCER

981. Regarding the situation of human mobility, the SRESCER notes that the United Nations Refugee Agency (UNHCR) estimates that there are some 22,000 Venezuelan migrants in Guyana, of which 30% are believed to be children. While most of this figure corresponds to people who have been forced to flee persecution and conflict in Venezuela, a smaller percentage would include those who have made a conscious decision to leave for economic reasons.¹³⁹⁸

982. On the other hand, statistics also confirm that there are about 200 asylum-seekers within Guyana's borders. The Registration and Identity Management Officer said the government has also been ensuring that these refugees and migrants have access to COVID-19 vaccines. Last year, UNHCR

¹³⁹⁵ Guyana Chronicle, [Transformational education plan launched](#), September 2, 2021

¹³⁹⁶ CIJN, [How COVID-19 has reshaped education in Guyana's interior](#), June 21, 2021

¹³⁹⁷ CIJN, [How COVID-19 has reshaped education in Guyana's interior](#), June 21, 2021

¹³⁹⁸ News Room, [Estimated 22,000 Venezuelan migrants in Guyana](#), 24 July 2021

donated accommodation units to the government to assist in its support programme during the ongoing COVID-19 crisis.¹³⁹⁹

983. Therefore, the SRESCER welcomes the initiative and recalls that, in accordance with Resolution No. 1/2021 of the IACHR, the various groups in a special situation of vulnerability, such as people in situations of internal and international human mobility, face differentiated impacts derived from structural problems of exclusion and discrimination, which is reflected in greater challenges in access to health – aggravated in the context of the pandemic. States should therefore adopt measures that respond to differentiated approaches that consider factors of discrimination.¹⁴⁰⁰

¹³⁹⁹ News Room, [Estimated 22,000 Venezuelan migrants in Guyana](#), 24 July 2021

¹⁴⁰⁰ IACHR. Resolution 1/2021, [Vaccines against covid-19 within the framework of inter-American human rights obligations](#), 6 April 2021, para. 15

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984. With respect to the situation of ESCER in Haiti, the Office of the Special Rapporteur has followed up on the enjoyment of the right to health in the country, taking special note of the impacts of the pandemic, the social crisis, and the effects of climate emergencies on this right, as well as the challenges that the State would face in providing responses. The REDESCA has also monitored the enjoyment of other ESCER, such as the right to education and access to labor and trade union rights, analyzing in particular the impacts related to the earthquake that occurred in August. On the other hand, the mandate has followed with concern the situation of human mobility in Haiti and the expulsions that have been seen of persons in a situation of human mobility from the country at different borders of the region. These strategic lines of work are addressed in greater detail below.

A. Right to Health and its Social Determinants

985. The REDESCA has been monitoring with concern the situation and the impacts that the Covid-19 pandemic has brought to Haiti. With regard to the enjoyment of the right to health, it is noted that, as at 4 November, the country would have confirmed a total of 24,032 cases and 677 deaths. Regarding the confirmed cases, the Office of the Special Rapporteur notes that Haiti presented its highest peaks between May and July 2021. Likewise, the REDESCA notes that as of the first of November, 138,330 doses of the vaccine have been administered, with 40,721 people fully vaccinated against the virus, which implies 0.35% of the population¹⁴⁰¹¹⁴⁰².

986. In this sense, the REDESCA notes that after the peak of infections that occurred in May, the Government declared a state of health emergency at the national level for a period of eight days. As a result of the above, and as a measure to combat the virus, the Office of the Special Rapporteur observes that, in June, the following sanitary measures were established: outdoor activities were prohibited from 10:00 p.m. to 5:00 a.m., the use of masks was made mandatory for anyone who is in public, mandatory temperature checks and handwashing stations in all public or private buildings, such as banks, schools, hospitals and markets. The measures also ordered public institutions to reduce on-call staff by 50%, while encouraging other employees to work from home.¹⁴⁰³¹⁴⁰⁴

987. The REDESCA has observed that, as of July, one of the challenges that Haiti faced was related to the lack of vaccines available to cover the total population, coupled with the fact that there were not enough tests against COVID-19 and health centers did not have the resources, medical materials and supplies necessary to care for people affected by the virus. The REDESCA also notes that, in June, PAHO ¹⁴⁰⁵¹⁴⁰⁶warned that the response to COVID-19 in Haiti must be drastically

¹⁴⁰¹ Reuters [COVID-19 TRACKER](#), November 4, 2021

¹⁴⁰² Google news, [coronavirus statistics](#), November 15, 2021

¹⁴⁰³ Caribbean National Weekly, [Haiti declares State of Emergency Due to COVID-19](#), May 27, 2021.

¹⁴⁰⁴ Caribbean National Weekly, [Haiti Awaits COVID-19 Vaccine Amid New Curfew Restrictions](#), June 2, 2021

¹⁴⁰⁵ Aljazeera, [COVID plagues Haiti amid political uncertainty](#), 29 July 2021

¹⁴⁰⁶ France 24, [Covid-19 in Haiti: 1% of the vaccinated population is not yet reached and hospitals collapse](#), 30 July 2021

- expanded to cope with the sharp increase in cases, hospitalizations and deaths reported in that month¹⁴⁰⁷.
988. With regard to the measures taken by the State to deal with the pandemic, the REDESCA also takes note of the vaccination process carried out in the country. In this sense, Haiti, the poorest country in the Americas, was the last to receive doses of vaccines against COVID-19, while the rest of the countries in the region were administering first and second doses. While Haiti was initially among the 92 low- and middle-income countries eligible for dose distribution through the COVAX initiative, delivery did not materialize. Finally, the first batch of 500,000 doses was received in July, donated by the United States as part of the initiative.¹⁴⁰⁸¹⁴⁰⁹¹⁴¹⁰
989. Against this background, the REDESCA calls on the international community to address this situation, recalling that international solidarity is the necessary way to agree on effective regional actions that promote technological development and the exchange of information and technology in the field of vaccination and treatments against COVID-19, through which the production capacities of essential medicines and health technologies are strengthened in the face of COVID-19 in the Americas, also recalling that special attention should be paid to low- and middle-income countries.¹⁴¹¹
990. For its part, in a context of social, political and health crisis as a result of, on the one hand, the assassination of President Jovenel Moïse last July and, on the other, the earthquake that occurred in August in the southern peninsula of the country, the number of doses admitted are not enough to inoculate the entire population and the vaccination plan has been interrupted. Additionally, regarding access to health services in Haiti, the REDESCA notes that the NGO Doctors of the World stated that the situation of violence in the capital is critical and that the inhabitants prefer not to receive medical assistance for fear of being attacked by gangs or violent groups.¹⁴¹²¹⁴¹³¹⁴¹⁴
991. Faced with this situation, the REDESCA recalls that, according to Resolution 1/2020 on Pandemic and Human Rights in the Americas, States have the obligation to effectively comply with the

¹⁴⁰⁷ PAHO [Haiti: PAHO Director Calls for Intensified Health Response to Rapidly Deteriorating COVID-19 Situation](#), June 2, 2021.

¹⁴⁰⁸ AS/COA, [Timeline: Tracking the Path to Vaccination in Latin America](#), November 8, 2021

¹⁴⁰⁹ Page 12, [Haiti, the country that has not yet begun vaccinating against the coronavirus](#), 09 June 2021

¹⁴¹⁰ EFE Agency, [Haiti receives the first vaccines against covid-19 in the midst of the crisis](#), July 15, 2021

¹⁴¹¹ IACHR, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

¹⁴¹² EFE Agency, [Haiti has vaccinated more than 16.000 people against COVID-19](#), August 12, 2021

¹⁴¹³ Yahoo [Earthquake halts COVID-19 vaccination campaign in Haiti: PAHO](#), August 18, 2021

¹⁴¹⁴ Europa Press, [Doctors of the World warns that fear of violence in Haiti prevents the sick from going to hospitals](#), 14 June 2021

- commitment to adopt measures, both internally and through international cooperation, to ensure the realization of the right to health, other ESCERs and all human rights, in the context of pandemic contexts and their consequences, in accordance with the general rules of international and inter-American law.¹⁴¹⁵
992. The REDESCA expresses its concern that the context of violence is compounded by the aforementioned magnitude 7.2 earthquake that struck Haiti in August, which directly impacted the enjoyment of the right to health of the country's inhabitants, aggravating the pre-existing health crisis. The Office of the Special Rapporteur notes that the earthquake destroyed schools, about 130,000 homes, and hospitals. Due to the high number of injured people (more than 12000), coupled with the context of the pandemic, hospitals have been overwhelmed, observing a lack in the necessary clothing.¹⁴¹⁶
993. In this scenario, the REDESCA expresses its concern that many hospitals in the epicenter area have been overwhelmed, such as, for example, the hospital in the city of Les Cayes -one of the cities most affected by the earthquake-, where injured people crowded into the facilities and many had to wait to be treated outside the hospital. In addition, the REDESCA observes that many health centers have had to evacuate their patients due to structural damage or fear of aftershocks.¹⁴¹⁷¹⁴¹⁸
994. The Office of the Special Rapporteur notes that, for its part, the Pan American Health Organization (PAHO) has expressed that the country urgently needs medical personnel and equipment, as well as logistical support to treat not only people who have been injured by the earthquake, but also those with acute and chronic diseases. mental problems and to deal with the health emergency unleashed by COVID-19¹⁴¹⁹.
995. REDESCA notes that, for the reasons stated, UNICEF requested \$73 million to care for 250,000 children affected by the earthquake that struck Haiti to provide urgent support in health, education, water and sanitation, nutrition and child protection, including gender-based violence. Likewise, the Spanish Agency for International Development Cooperation (AECID) has activated the emergency agreements it maintains with Action Against Hunger (ACH) and the Spanish Red Cross to continue providing assistance to people affected by the earthquake that struck Haiti on

¹⁴¹⁵ IACHR - REDESCA, [Resolution 1/2020, Pandemic and Human Rights in the Americas](#), April 10, 2020

¹⁴¹⁶ Emergency live, [Haiti, People Without Water And Without Medical Care For The Earthquake: Red Cross Appeals](#), October 2, 2021

¹⁴¹⁷ EFE Agency, [Haiti's Hospitals Overwhelm as Quake Victims Rise](#), August 17, 2021

¹⁴¹⁸ Médecins Sans Frontières, [Death, destruction and thousands of injured people in wake of Haiti earthquake](#), August 17, 2021

¹⁴¹⁹ PAHO [PAHO Director Reports on Saturation of Medical Facilities in Haiti and Calls for International Support to Address "Immense" Needs](#), August 18, 2021

- August 14. In turn, the Dominican Red Cross reported that it sent the second shipment of non-food humanitarian aid to support those affected by the August earthquake¹⁴²⁰¹⁴²¹¹⁴²².
996. With regard to international cooperation following the earthquake, the REDESCA notes that aid intentions have been seen, for example, the Dominican Republic and Mexico sent food and medicine across land and air borders. For its part, Colombia sent search and rescue personnel. Chile announced the donation of 16 tons of humanitarian aid, while Panama will establish a collection center to collect supplies. PAHO has also deployed 27 tons of medicines, as well as specialists to support field coordination, epidemiological surveillance, coordination of the health sector group, emergency projects, logistics, and coordination of emergency medical teams¹⁴²³¹⁴²⁴.
997. The REDESCA expresses its concern at what UNICEF has said, from where it was stated that the country is facing the worst humanitarian crisis in the country in recent years, with almost a third of all children, at least 1.5 million, urgently needing help due to the sustained increase in violence, limited access to drinking water, health and nutrition, education and protection services disrupted in times of COVID-19.¹⁴²⁵
998. With regard to health workers, the REDESCA notes with concern that health workers are in a situation of total lack of protection in the face of an increase in violence as a result of the armed conflicts unleashed, mainly in the capital city of Port-au-Prince, endangering health care services. In that sense, the REDESCA learned about the murder of pediatrician Enest Pady at the hands of criminal groups. On the other hand, the NGO Médecins Sans Frontières had to announce the provisional closure of its hospital in Port-au-Prince, after being the target of an armed attack. Health workers were forced to suspend their activities as the clashes resulted in injuries, including patients and NGO staff. In this sense, the REDESCA notes that, in August, the clinic unit of Doctors Without Borders located in the Martissant neighborhood of the capital closed its doors definitively, after 15 years of activity at the service of 300,000 people. Likewise, the organization Doctors of the World denounces that the situation of violence in the streets hinders the efficient development of the activities of health professionals and prevents the arrival of medical material and basic supplies, such as oxygen, essential to treat the main ailments associated with COVID-19.¹⁴²⁶¹⁴²⁷¹⁴²⁸¹⁴²⁹¹⁴³⁰

¹⁴²⁰ Lto the press, [UNICEF requests \\$73 million to care for 260,000 children in Haiti after earthquake](#), 14 September 2021

¹⁴²¹ Infobae, [AECID unlocks more than 265,000 euros for ACH and Red Cross to assist those affected by the earthquake in Haiti](#), 16 September 2021

¹⁴²² ElCaribe, [The Red Cross sends second shipment of humanitarian aid to Haiti](#), September 16, 2021

¹⁴²³ France 24, [Earthquake in Haiti leaves more than 1,400 dead, 6,900 injured and hospitals overwhelmed](#), August 16, 2021

¹⁴²⁴ News, [PAHO warns of overflow in Haiti's hospitals after earthquake](#), 2 September 2021

¹⁴²⁵ UNICEF [Haiti: Violence and pandemic leave one in three children in need of humanitarian assistance](#), 09 July 2021

¹⁴²⁶ France 24, [Haiti's hospitals go on strike after murder of pediatrician](#), 04 March 2

¹⁴²⁷ DW [Médecins Sans Frontières closes hospital in Haiti after armed attack](#), June 28, 2021

¹⁴²⁸ Médecins Sans Frontières, [Haiti: Violence puts patients, medical activities and staff at risk](#), June 23, 2021

¹⁴²⁹ Ap News, [Aid group closes emergency clinic in Haiti amid violence](#), 02 August 2021

¹⁴³⁰ Europa Press, [Doctors of the World warns that fear of violence in Haiti prevents the sick from going to hospitals](#), 14 June 2021

999. Given this situation, the Office of the Special Rapporteur recognizes the serious challenges facing the country in guaranteeing the right to health and a safe environment for it. However, reiterates the importance that, in line with Resolution 1/2020, the availability and timely provision of sufficient quantities of biosecurity material, essential medical supplies and supplements for use by health personnel be ensured, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources to deal with this type of health emergency situation¹⁴³¹.
1000. With regard to the impact on the right to health of persons deprived of their liberty, the REDESCA is concerned about the inhumane conditions in which they would find themselves. A report by the United Nations High Commissioner for Human Rights highlights the lack of access to medical care and medicines faced by prisoners, which places them in a situation of extreme risk and maximum vulnerability. In addition, it focuses on the lack of access to drinking water, overcrowding and lack of ventilation of the spaces, all conditions that facilitate the rapid spread of COVID-19.¹⁴³²¹⁴³³
1001. Regarding other types of contagious diseases that have impacted on the enjoyment of the right to health in the country, the REDESCA notes that, in early February, the Haitian health authorities identified the appearance of a very infectious skin disease similar to scabies. According to the Ministry of Health, this skin disease has affected residents of several communities in the west of the country. Also, in April, the appearance of diphtheria cases in Haiti and the Dominican Republic was reported. According to reports from the Pan American Health Organization, Haiti recorded 11 cases and two deaths from the disease.¹⁴³⁴¹⁴³⁵

B. Climate Emergency and Human Right to Water

1002. Regarding the climate emergency, the REDESCA expresses its deep concern about the impact that the earthquake has implied not only for the right to health, but also for other ESCER. In this regard, the Office of the Special Rapporteur observes that about 1.2 million people, including 540,000 children, have been affected by the earthquake and about half a million children in Haiti have limited or no access to shelter, drinking water, medical care, and nutrition. The REDESCA also notes that approximately 40 per cent of the 1.6 million people living in the affected departments are in need of emergency humanitarian assistance.¹⁴³⁶¹⁴³⁷

¹⁴³¹ IACHR - REDESCA, [Resolution 1/2020. Pandemic and Human Rights in the Americas](#), April 10, 2020

¹⁴³² OHCHR, [Haiti: Inhumane prison conditions demand urgent action](#), Special Report, 30 June 2021

¹⁴³³ UN News, [Urgent action needed to end 'inhumane conditions' facing Haiti prisoners: UN rights chief](#), June 30, 2021

¹⁴³⁴ Caribbean National Weekly, [Haiti Health Ministry Monitoring "Very Infectious" Skin Disease](#), 1 February 2021

¹⁴³⁵ Free Press, [Guatemala declares epidemiological alert for diphtheria cases in Haiti and the Dominican Republic](#), May 11, 2021

¹⁴³⁶ UN News, [Haiti: Earthquake leaves mounting death toll, injuries and extensive damage](#), August 18, 2021

¹⁴³⁷ OCHA, [Flash Appeal Summary: Haiti Earthquake](#), August 2021

1003. In this context, the REDESCA is concerned about the situation of the most vulnerable populations, such as girls and women. Therefore, the Office of the Special Rapporteur takes particular note that the lack of shelter, sanitation services, or water supplies has caused a great impact among women and vulnerable groups. In this scenario, and based on a report based on interviews with people affected by the earthquake, 70% of the people interviewed indicated that their fear of sexual violence had increased since the earthquake due to the situation of overcrowded camps with no separation in toilets and poorly lit areas¹⁴³⁸.

1004. The REDESCA also notes that two days after the earthquake, Tropical Depression Grace dumped several torrential rains on the most affected areas of the country. ¹⁴³⁹Heavy rains and strong winds battered those sheltering in the camps and searching for survivors¹⁴⁴⁰.

C. Business and Human Rights

1005. Regarding the impact that activities may have on the enjoyment of various ESCERs, the Office of the Special Rapporteur takes note of what was expressed during the hearing on the Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean, within the framework of the 181st Period of Sessions of the IACHR. the applicant organizations denounced that extractive projects in free zones and the mining industry involve the expulsion of peasants from agricultural land, causing not only an impact on their rights, but also serious damage to the environment. Likewise, for this reason, Haiti would be a more fragile country in the Caribbean in the face of climate disorder.

1006. In this sense, the hearing exposed how these extractive and mining projects monopolize arable land, violate the rights of peasant communities, the right to life, health and also cultural rights. In this regard, it is emphasized that understanding the consequences of these acts would be intrinsically related to the poverty and vulnerability experienced by the country.

D. Labor and Trade Union Rights

1007. With regard to the enjoyment of labor and trade union rights in Haiti, the REDESCA welcomes the implementation of the Emergency Project for Strengthening the Resilience of Smallholder Farmers to the Consequences of the COVID-19 Pandemic (PURRACO), which is a \$5.8 million project of the United Nations International Fund for the Development of Agriculture (IFDA). \$0.5 million from the Government of Haiti and a beneficiary in-kind contribution of \$0.3 million). It plans to benefit 3,250 poor rural households (some 13,000 people, half of whom will be women and 30 per cent young people). ¹⁴⁴¹

1008. Likewise, the REDESCA takes note of the various trade union movements, including those of transport and subcontracting, who reportedly began a strike on October 4 to speak out against insecurity, kidnappings, fuel surcharges and what they classify as mismanagement of the

¹⁴³⁸ TODAY [Earthquake worsened situation of girls and women in Haiti](#), September 14, 2021.

¹⁴³⁹ AP news, [Tropical Depression Grace hits Haiti after earthquake](#), August 17, 2021

¹⁴⁴⁰ Tampa today, [Tropical Depression Grace hits Haiti after earthquake](#), August 17, 2021

¹⁴⁴¹ Free Haiti, [Haiti - Agriculture : \\$5.8MM aid to small agricultural producers in remote regions](#), May 6, 2021.

migration crisis¹⁴⁴². In this strike, human rights organizations denounced that kidnappings increased by 300% in the country, while the open war of the gangs forced more than 19,000 people to leave their homes at the southern entrance of the capital¹⁴⁴³.

E. Fiscal and Economic Policies

1009. With regard to the various fiscal and economic policies taken by the State, the REDESCA notes that the country faces a generalized situation characterized by high inflation rates, food and fuel shortages, as well as a worrying unemployment rate of 14.5%. It also suffers from high inflation of 25% per year and it is estimated that six out of ten people are poor, that is, about 6.3 million of the nearly 11 million inhabitants, according to a World Bank report based on the 2012 health and human services survey, the most recent available.¹⁴⁴⁴¹⁴⁴⁵
1010. In this context, the REDESCA recalls that poverty constitutes a human rights problem that translates into obstacles to the enjoyment and exercise of human rights under conditions of real equality by the individuals, groups and communities living in this situation¹⁴⁴⁶.
1011. On the other hand, the REDESCA welcomes the measures taken by the State regarding the implementation of a public health preparation plan for containment and treatment; the promotion of social programs and participation in additional health care and security expenses, as well as transfers to support workers and households, including the payment of wages temporarily in some sectors¹⁴⁴⁷.
1012. Likewise, with respect to the policies adopted, the Office of the Special Rapporteur notes that, in March, the World Bank's Board of Directors approved a \$75 million grant from the International Development Association (IDA) to finance the Adaptive Social Protection for Increased Resilience (ASPIRE) project. The project envisages an expansion of cash transfers in emergency situations, such as natural disasters or health crises. It will also support the capacity building of the Ministry of Social Affairs and Labor (MAST) in order to improve the management and governance of social protection programmes¹⁴⁴⁸.

F. Education, science, technology: academic freedom and university autonomy

1013. Regarding the enjoyment of the right to education, the REDESCA has observed that several strikes were reported in April, where, in the midst of a social and political crisis, a group of teachers called a teachers' strike in rejection of criminal crime and the death of an educator. In the midst of this movement, citizens were called to continue demanding the release of a dozen people,

¹⁴⁴² TeleSur tv, [Trade unionists in Haiti announce strike in the face of growing insecurity](#), 30 September 2021

¹⁴⁴³ Latin Press, [Strike slows down activities in Haiti's capital](#), 4 October 2021

¹⁴⁴⁴ World Bank, [Unemployment, total \(% of total labor force\) \(ILO modelling estimate\) – Haiti](#), 2020

¹⁴⁴⁵ France 24, [Six out of ten Haitians live on less than two dollars a day](#), 8 July 2021

¹⁴⁴⁶ OEA/Ser.L/V/II.16 Doc. 14, IACHR, [Poverty and Human Rights](#), 7 September 2017

¹⁴⁴⁷ MFI, [Policy Responses to COVID-19](#), July 2, 2021

¹⁴⁴⁸ Free Haiti, [Haïti - Banque Mondiale : \\$75MM donation to reinforce social protection in Haïti](#), March 10, 2021.

including seven religious, kidnapped on April 11 in Croix-des-Bouquets (northeast of the capital), an act that is attributed to the armed gang 400 Mawozo¹⁴⁴⁹.

1014. Likewise, the REDESCA notes that just a few weeks before the reopening of schools, the aftermath of the earthquake has affected the infrastructure of many educational centers. Preliminary assessments by UNICEF revealed that at least 94 of the 255 centres have been damaged or completely destroyed. In this regard, the REDESCA also expresses its concern at the situation of hundreds of children from vulnerable neighborhoods in Port-au-Prince who, according to the Center for Analysis and Research in Human Rights (Cardh), cannot start their school year due to the control that armed gangs maintain control of several areas of the Haitian capital.¹⁴⁵⁰¹⁴⁵¹

1015. Despite the aforementioned situation, the REDESCA welcomes the fact that tens of thousands of children in the departments of Sur, Nippes and Grand Anse would have returned to schools on October 4, despite the fact that in some places work is still being done on the rehabilitation of premises to accommodate students¹⁴⁵².

G. Human Mobility and ESCER

1016. In relation to human mobility in Haiti and the realization of ESCER, the Office of the Special Rapporteur expresses its concern about the social, political and insecurity instability that the country is experiencing, which, added to the earthquake that affected the southern part of the country, has encouraged the migratory flow to other countries.¹⁴⁵³

1017. The REDESCA notes with concern the escalation of outbreaks of violence provoked by armed groups, which has forced the displacement of thousands of people and families, mainly women and children and adolescents. Gang violence, according to some estimates, has affected 1.5 million people and led to the displacement of at least 19,000 people in the Port-au-Prince metropolitan area, where the conditions in which these people live are extremely vulnerable.¹⁴⁵⁴¹⁴⁵⁵

1018. In this sense, the REDESCA has learned that the places where refugees are housed do not have the necessary infrastructure or basic hygienic conditions, so they live in conditions of total overcrowding. Likewise, it is observed that there is no access to health and drinking water, putting at risk the rights to life, security, housing, privacy, family life, physical integrity, health, access to justice of these people. In this context, the REDESCA also expresses its concern about the situation faced by patients, who die because the violence of armed gangs prevents medical assistance services - such as ambulances - from reaching the places where the displaced are housed.¹⁴⁵⁶¹⁴⁵⁷

¹⁴⁴⁹ Nodal [Teachers start strike due to increased crime and murder of an educator](#), April 19, 2021.

¹⁴⁵⁰ UN News, [Haiti: Earthquake leaves mounting death toll, injuries and extensive damage](#), August 18, 2021

¹⁴⁵¹ The Day, [Armed gangs prevent the return to school of hundreds of children in Haiti](#), September 29, 2021

¹⁴⁵² The country, [School year begins in southern Haiti shattered by earthquake](#), 4 October 2021

¹⁴⁵³ Listin Daily, [Military and Migration persecute Haitians who cross the border clandestinely](#), 14 September 2021

¹⁴⁵⁴ UNICEF [Haiti: nearly 8,500 women and children have been displaced by "urban guerrillas" in two weeks](#), June 15, 2021

¹⁴⁵⁵ Relief Web, [Haiti: Flash Appeal - Earthquake \(August 2021\)](#), August 25, 2021

¹⁴⁵⁶ UNICEF [Haiti: nearly 8,500 women and children have been displaced by "urban guerrillas" in two weeks](#), June 15, 2021

¹⁴⁵⁷ Ibid

1019. Regarding the situation that has been experienced by migrants at various borders, the REDESCA expresses its concern at the alarming context they live on the border of Mexico and the United States. With respect to this, the Office of the Special Rapporteur observes that the Government of Haiti has drawn attention to the extremely difficult conditions experienced in these borders, calling for the union of all sectors of Haiti.¹⁴⁵⁸
1020. Following the arrival of thousands of people from Haiti at the U.S. border, the REDESCA expresses concern about the U.S. government's response of deportations of asylum seekers, stating that its borders were not open¹⁴⁵⁹. In this regard, the Office of the Special Rapporteur takes note of what was stated by the United Nations, from which it is considered that the United States would be in breach of international standards for the mass expulsion of citizens of Haiti who have crossed the border from Mexico, without considering their needs for protection or evaluation of the cases. where more than 13,000 people are blocked without the possibility of seeking asylum and sometimes mistreated by border agents.¹⁴⁶⁰
1021. The REDESCA also recalls that the IACHR and the UN Special Rapporteur on the Human Rights of Migrants expressed that the right to seek and receive asylum must be guaranteed, adopting the necessary measures to facilitate access to the procedures available for this purpose; eliminate barriers and unjustified delays in the course of the procedures. Similarly, national legislation must be brought into line with international standards according to which migration is not a crime, with the understanding that many of the people who make up migratory movements have international protection needs and many others are in situations of vulnerability and require special protection¹⁴⁶¹.
1022. In this context, the REDESCA has observed that this situation of instability and insecurity caused dozens of people from Haiti to arrive in Mexico City after waiting for refuge in Tapachula, where they faced the lack of certainty of their procedures, were not authorized to work, suffered shortages of money, food and lacked a decent space to live, in addition to suffering aggressions by the National Guard. REDESCA also notes the situation of hundreds of asylum seekers from Haiti, who gathered in front of Mexico's refugee agency in the capital and in shelters in the city of Monterrey. In turn, federal authorities assured that Mexico will begin sending migrants from Haiti to their country, after the agglomeration of people at the border of the state of Coahuila.¹⁴⁶²¹⁴⁶³¹⁴⁶⁴
1023. Likewise, the REDESCA notes that this worrying situation is replicated on Colombia's border with Panama, where thousands of people from Haiti are stranded, waiting to cross the Darien jungle, where in addition to flooding rivers, migrants are exposed to robberies, sexual abuse and

¹⁴⁵⁸ TeleSur, [Haiti Accuses U.S. of Humiliating Haitian Migrants](#), 20 September 2021

¹⁴⁵⁹ The Opinion, [The first flight with 272 migrants deported from the United States arrives in Haiti](#), September 20, 2021

¹⁴⁶⁰

Naiz, [U.S. Breaches International Norms with Mass Expulsion of Haitians, UN Says](#), 21 September 2021

¹⁴⁶¹ IACHR, [IACHR and UN Special Rapporteur Condemn Excessive Use of Force and Expulsions against Migrants from Haiti, on the Southern Border of the United States](#), 4 October 2021

¹⁴⁶² Footer [You don't have a house?: Haitian migrants arrive in Mexico City](#), 22 September 2021

¹⁴⁶³ Infobae, [Haitian Migrants Seek Asylum in Mexico in Face of Crisis at U.S. Border](#), 23 September 2021

¹⁴⁶⁴ Informador.MX, [Mexico Returns Migrants to Haiti from Border](#), 20 September 2021

even murders by those who transport them and the armed groups that operate there. In turn, in Cuba more than 400 migrants of Haitian nationality return in correspondence with diplomatic agreements reached between the two countries, which maintain cooperation in migration matters¹⁴⁶⁵¹⁴⁶⁶.

1024. Faced with this situation, the REDESCA notes that other United Nations agencies ask the countries of the Americas not to expel people from Haiti before assessing their protection needs, and advocate for regular migration routes, affirming that conditions in Haiti are not conducive to forced returns and that international law prohibits collective expulsions¹⁴⁶⁷.

1025. In addition to the above, the REDESCA expresses its concern that, according to the press release of the Support Group for Returnees and Refugees, a total of 1541 people have been repatriated from 1 to 18 November, of which 153 were pregnant women, 9 lactating women and 128 minors (76 girls and 52 boys). The REDESCA also expresses its dismay at the inhumane treatment to which these people, especially women and children, have been subjected.¹⁴⁶⁸

1026. Faced with this context of vulnerability, the REDESCA recalls that the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons establish that security at migratory posts must always be oriented to the protection of migrants and all their rights¹⁴⁶⁹. Likewise, the REDESCA urges to take into account the resolution "Protection of Haitians in human mobility: Inter-American Solidarity", in order to guide the States of the region to guarantee the rights of Haitian migrants, refugees, displaced persons, stateless persons and victims of trafficking in persons, in compliance with international obligations of humanitarian assistance, protection, cooperation and international solidarity.¹⁴⁷⁰

¹⁴⁶⁵ Yahoo News, [Some 19,000 Haitians are stranded on the border of Colombia and Panama](#), 22 September 2021

¹⁴⁶⁶ CMKX, [Radio bayamo, Migrants stranded in Cuba return to Haiti](#), 7 October 2021

¹⁴⁶⁷ United Nations [UN urges states not to deport Haitians and assess their protection needs](#), 30 September 2021

¹⁴⁶⁸ Support group for returnees and refugees, [Repatriations of Haitian migrants at the border continue despite Dominican authorities' promise of suspension to Daniel Supplice](#), November 20, 2021

¹⁴⁶⁹ IACHR, [Resolution 04/19: Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Trafficking in Persons](#), 17 December 2019

¹⁴⁷⁰ IACHR, [IACHR Presents Resolution on the Protection of Haitians in Human Mobility](#), November 30, 2021

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1027. On the situation of ESCER in Honduras, the REDESCA has been closely monitoring the situation of the health system and its capacity to address the pandemic. Additionally, we learned about aspects related to transparency and accountability. Similarly, the REDESCA also obtained information on the situation of labor rights in the country, particularly in the maquila sector and the impacts of the establishment of the Employment and Economic Development Zones (ZEDE). Finally, issues related to access to education and the guarantee of ESCERs for people in situations of human mobility were also addressed. A detailed analysis of these matters is presented below.

A. Right to Health and its Social Determinants

1028. With regard to the right to health, the REDESCA takes note of the efforts made by the State to address the pandemic. In this regard, the Office of the Special Rapporteur is aware that in July 2020 the Ministry of Health (SESAL) formed a National Integration Team (EIN) for access to and introduction of the COVID-19 vaccine, made up of a multidisciplinary technical team from SESAL, the National Advisory Council on Immunizations (CCNI), the Health Regulation Agency (ARSA), Honduran Institute of Social Security (IHSS), which also included support from PAHO, UNICEF, and the United States Agency for International Development (USAID).¹⁴⁷¹

1029. In this regard, the State informed the REDESCA that the National Plan for the Introduction of the COVID-19 Vaccine, Honduras 2020-2021 was formulated. The REDESCA highlights that according to the State this plan was socialized in November 2020 at the national level to more than 80 governmental, non-governmental and civil society institutions, allowing the opportunity to send contributions, being able to begin its implementation in November 2020.¹⁴⁷²

1030. Regarding the vaccination process, the REDESCA learned that as of September 6, the country would have received 6,244,167 doses of vaccine against COVID-19. Among the acquisition mechanisms, it is reported that it was through donations, deliveries through the COVAX mechanism and direct purchases made by different State institutions. Thus, according to information provided by the State, between February and July 2021 a total of 1,708,605 full doses would have been applied. Likewise, the State reported that these data are disaggregated by different population groups, highlighting the coverage for workers in the health sector, older adults and workers in essential industries. Finally, by August 2021, the REDESCA notes that the total dose figures applied would be ¹⁴⁷⁴14754,526,090. In this regard, the REDESCA notes that this

¹⁴⁷¹ Government of Honduras, Report on distribution, access and procurement of COVID-19 vaccines under a human rights and public health approach, Note No. NV125/MPHOEA/2021, September 21, 2021

¹⁴⁷² Government of Honduras, Report on distribution, access and procurement of COVID-19 vaccines under a human rights and public health approach, Note No. NV125/MPHOEA/2021, September 21, 2021

¹⁴⁷³ Government of Honduras, Report on distribution, access and procurement of COVID-19 vaccines under a human rights and public health approach, Note No. NV125/MPHOEA/2021, September 21, 2021

¹⁴⁷⁴ Government of Honduras, Report on distribution, access and procurement of COVID-19 vaccines under a human rights and public health approach, Note No. NV125/MPHOEA/2021, September 21, 2021

¹⁴⁷⁵ Government of Honduras, Report on distribution, access and procurement of COVID-19 vaccines under a human rights and public health approach, Note No. NV125/MPHOEA/2021, September 21, 2021

- information corresponds to people who have acquired two doses of the vaccines; however, it is not specified whether this corresponds to complete vaccination schedules as indicated by PAHO.
1031. Considering the above, the REDESCA thanks and salutes the State for providing this detailed information on the vaccination process and the actions it would be taking for its effective compliance. However, the REDESCA is aware that the information of health unions in the country accounts for the challenges that the health system is going through, such as the lack of transparency in administrative and financial procedures; or the absence of strategic planning of the sector. In that sense, the REDESCA notes that according to the ¹⁴⁷⁶World Bank since 1993 Honduras has 0.8 hospital beds per 1,000 inhabitants and in 2017 0.6 per 1,000 inhabitants were reported.¹⁴⁷⁷
1032. In this context, the mandate notes with concern that the information collected has indicated that the current state of the country's health system entails difficulties in enabling people to effectively access health services in an equitable manner and without discrimination. In this regard, it has been pointed out that people travel to Tegucigalpa from the rest of the country and line up for hours to make their hospital medical appointment. Similarly, it was reported that a shortage of supplies, medicines, medical personnel, basic equipment, the lack of coverage in areas where there is no access to a health center and a poor administration of the system that has caused a lack of transparency in the use of public resources persist.¹⁴⁷⁸
1033. However, taking into account the above, the REDESCA takes note of the information provided by the State on the investments that have been made with respect to the health system. the State indicated that the following budget was approved to the Ministry of Health (SESAL) for 2021: L. 18,218,439,532 lempiras. Similarly, the State stressed that in the context of the COVID-19 pandemic, in 2021, a total of L. 2,427,229,597 has been invested, with an amount of L. 4,400,216,935 in force. The main categories in which they have invested are: acquisition of medicines; procurement of medical supplies; recruitment of medical and care staff; enabling spaces for the care of infected; support for MSMEs; temporary social assistance for employees; and, acquisition of medical equipment.¹⁴⁷⁹¹⁴⁸⁰
1034. Likewise, the Commission and the REDESCA note that SESAL through the establishment of a trust would have acquired the quantities of medicines necessary to keep the main hospitals supplied during the year 2021. In addition, through the Pan American Health Organization (PAHO), the United Nations Population Fund (UNFPA), the Council of Ministers of Health of Central America (COMISCA) and the Normative Office of Contracting and Procurement of the State of

¹⁴⁷⁶ Revista Médica Hondureña, Defficiencies in the public health system and their impact on the COVID-19 pandemic, Vol. 89, No. 2, 2021

¹⁴⁷⁷ World Bank. Hospital beds per 1,000 people - Honduras

¹⁴⁷⁸ Revista Médica Hondureña, Defficiencies in the public health system and their impact on the COVID-19 pandemic, Vol. 89, No. 2, 2021

¹⁴⁷⁹ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

¹⁴⁸⁰ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

- Honduras (ONCAE), personal protective equipment, supplies, medicines, and surgical medical equipment were acquired due to the increase in COVID-19 cases.¹⁴⁸¹
1035. Despite this, the Office of the Special Rapporteur notes with concern that several complaints were raised by civil society pointing to the lack of attention on the part of the State to the proper functioning of the public health system. In this regard, the REDESCA is aware that the National Anti-Corruption Council (CNA) filed a complaint with the Special Prosecutor's Office for Transparency and Combating Public Corruption for five crimes of abuse of authority by the head of SESAL. According to the complaint filed, it is mentioned that the head of the health entity would have eliminated 15 hiring positions to benefit people from her family circle and other officials of the entity. This would have resulted in salaries being increased by 70% to these people, which according to the ANC would be in contravention of article 150 of Legislative Decree No. 182-2020 regarding the general response of the State for fiscal year 2021.¹⁴⁸²¹⁴⁸³
1036. Given the situation of food and nutrition insecurity that currently affects 3.9 million people, civil society groups, partners in the Vulnerable Central America Forum, demanded the immediate and effective compliance by the Government of Honduras with the legal and political framework related to the right to Food and Nutrition Security, such as the National Policy on Food and Nutrition Security 2018-2030, Management Strategy of the Food and Nutrition Security Policy and others. In this context, they also demanded the organization and strengthening of the Municipal Tables of Food and Nutritional Security at the level of all the municipalities of our country.¹⁴⁸⁴
1037. On the other hand, the REDESCA welcomes the efforts that the State is making to provide an effective response to the pandemic, especially seeking to increase the budgetary capacity of the health system. However, it notes with concern that these measures would not be sufficient to respond to the serious health crisis caused by the pandemic, which requires additional efforts to guarantee this right to all people without discrimination.
1038. In this regard, the REDESCA reminds the State that part of the guarantees to the right to health is to provide the system with all the resources available for its effective fulfillment. In particular, the REDESCA reiterates that Resolution 1/2020 indicates that States have the obligation to ensure equitable distribution and access to health facilities, goods and services, therefore, the scarcity of resources does not justify direct, indirect, multiple or intersectional acts of discrimination. Moreover, in the context of the complaints filed for possible acts of corruption, the REDESCA urges the State to adopt mechanisms for accountability and access to justice in the face of possible

¹⁴⁸¹ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

¹⁴⁸² National Anti-Corruption Council, The ANC denounces before the FETCCOP the Secretary of Health for abuse of authority by benefiting her two sons and daughter-in-law with juicy salaries, 13 September 2021; CESPAD, Purchase of covid-19 vaccines, the threat of new cases of corruption to finance political patronage, 24 September 2021

¹⁴⁸³ National Anti-Corruption Council, The ANC denounces before the FETCCOP the Secretary of Health for abuse of authority by benefiting her two sons and daughter-in-law with juicy salaries, 13 September 2021;

¹⁴⁸⁴ Vulnerable Central America Forum United for Life!, Country Positioning-Honduras 2021, September 24, 2021

violations of ESCER, in the context of pandemics and their consequences, including abuses by private actors and acts of corruption or state capture to the detriment of human rights.¹⁴⁸⁵¹⁴⁸⁶

B. Climate Emergency and Human Right to Water

1039. Regarding the impacts of climate change in the country, the REDESCA expresses its concern about the vulnerability in which the country finds itself given this context. While Honduras contributes less than 0.05% to global emissions, it is a country highly vulnerable to the effects of climate change. Along these lines, the State stressed in its most recent Voluntary Contributions at the national level (NDC) that Honduras, due to its geographical location, its biophysical and topographical characteristics and high levels of poverty, is a highly vulnerable country in this context. Consequently, the effects of climate change on the population make it even more difficult to solve the great challenges that the country has to overcome the poverty of a significant part of its inhabitants, where 48.3% of the population lives below the poverty line and 22.9% in extreme poverty, as well as to improve human development and reduce socioeconomic vulnerabilities.¹⁴⁸⁷¹⁴⁸⁸

1040. In this context, the Office of the Special Rapporteur takes note of a study conducted by the IDB regarding the impacts of Tropical Storm Eta and Hurricane Iota, where its findings indicate that their impacts were estimated at approximately L. 52,099 million. Damages accounted for 44% of the affectation, losses 52% and additional costs 4%. Note that the private sector suffered 69% of the impact on the acquis and 97% of the production flows lost. In that sense, for example, the impacts on the right to health have been estimated at L. 1 430 million. It is noteworthy that 57% of the damages corresponded to health equipment and infrastructure. On the other hand, with regard to education, they affected the country's educational infrastructure, generating damage to 534 educational establishments that represent 3% of the total. In addition, 620 schools had to be used as temporary shelters. The results of the assessment of damage, loss and additional costs totalled L. 1 366 233 060; of which 59.6% corresponded to damage and 40.4% to additional costs.¹⁴⁸⁹¹⁴⁹⁰

1041. Regarding the impacts on the right to water and sanitation, the study indicated that the damages identified in this database would have an estimated cost of L. 163 million. It can be expected that, at the end of the collection of remaining damage information, damages equivalent to the additional L. 180 million will be found. 56.7% of the reported damages were presented on flood protection works, and 43.3% on the drinking water and basic sanitation sector. ¹⁴⁹¹

¹⁴⁸⁵ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 8

¹⁴⁸⁶ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 16

¹⁴⁸⁷ UNDP [Honduras formalizes new contributions to climate change](#), 21 May 2021

¹⁴⁸⁸ Honduras [Update of the Honduran Nationally Determined Contribution](#), May 2021

¹⁴⁸⁹ IDB/ECLAC, [Assessment of the effects and impacts of Tropical Storm Eta and Hurricane Iota in Honduras](#), 2021, p. 20

¹⁴⁹⁰ IDB/ECLAC, [Assessment of the effects and impacts of Tropical Storm Eta and Hurricane Iota in Honduras](#), 2021, p. 22

¹⁴⁹¹ IDB/ECLAC, [Assessment of the effects and impacts of Tropical Storm Eta and Hurricane Iota in Honduras](#), 2021, p. 26

- Regarding the impacts on housing, these events affected at least 5% of the 1.8 million occupied homes in the country. In that regard, the REDESCA notes that the costs associated with the removal of sludge from affected dwellings and the removal of construction debris will be considerable. For example, more than 46% of all homes are made of natural materials such as adobe, wood and bahareque (74% in rural areas).¹⁴⁹²
1042. Considering the above, the REDESCA expresses its concern about the high vulnerability and risk faced by the country due to the impacts of climate change and the costs associated with it. For this reason, the Office of the Special Rapporteur echoes the demands made by civil society organizations, which urge the State to expedite the mechanisms to determine Losses and Damages related to Climate Change, through an effective and reliable evaluation scheme that requires financing for populations and territories directly affected by Climate Change. including public and private efforts.¹⁴⁹³ To this end, they have called on the State to designate people with the suitability and experience in the management of climate change and risk management, and in general in the direction of environmental policies, programs and projects.¹⁴⁹⁴
1043. Therefore, the REDESCA urges the State to carry out the actions required to meet the demands of civil society in the face of the impacts of climate change. In this area, the REDESCA urges the State of Honduras to ratify the Escazú Agreement, in order to guarantee access rights in environmental matters more broadly. Likewise, the REDESCA reminds the State that, in line with the obligations assumed within the scope of the inter-American system, they put human rights and the adverse impact that climate change has on the enjoyment of these at the center of their negotiations and climate decisions, especially of individuals and groups that are in a situation of greater vulnerability.¹⁴⁹⁵
1044. In particular, the REDESCA calls on Honduras to emphasize that based on the principle of common but differentiated responsibilities, it calls on countries with higher emission ranges to increase their climate financial commitments based on an approach of equity and social justice. What also requires the State to reorient development towards a model that allows diversifying the energy matrix, moving towards cleaner technologies, energy efficiency and advancing sustainable agri-food systems, are decisive decisions to face climate change and to ensure respect for human rights.
1045. Regarding the human right to water, the REDESCA draws attention to the precautionary measures in force in relation to the consumers of water water from the Mezapa River and in line with the working meeting held on March 26, 2021 recalls the commitment to advance in its implementation with the support of the mandate. The REDESCA reiterates its interest and

¹⁴⁹² IDB/ECLAC, Assessment of the effects and impacts of Tropical Storm Eta and Hurricane Iota in Honduras, 2021, p.

¹⁴⁹³ Vulnerable Central America Forum United for Life!, Country Positioning-Honduras 2021, September 24, 2021

¹⁴⁹⁴ Vulnerable Central America Forum United for Life!, Country Positioning-Honduras 2021, September 24, 2021

¹⁴⁹⁵ IACHR, In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions, November 4, 2021

willingness to contribute together with the public institutions of Honduras, civil society and the United Nations system to this end.¹⁴⁹⁶

C. Business and Human Rights

1046. With regard to business and human rights issues, the REDESCA is aware of a number of challenges for the State. However, the REDESCA recognizes that the State has been making a series of joint efforts to develop its first Action Plan on Business and Human Rights. In this regard, the REDESCA highlights the actions carried out by the Secretariat of Human Rights during the months of March, June, August and September, where it seeks to develop the concepts and baselines of this instrument.¹⁴⁹⁷

1047. In this sense, the REDESCA highlights the realization of the Multi-actor Dialogue on Business and Human Rights, in August 2021, with the participation of representatives of the Private Sector, CONADEH, Civil Society Organizations and State Institutions and the accompaniment of international cooperators such as the European Union through the Pro-Rights program, the Danish Institute of Human Rights and the OHCHR. In the working session, in a participatory and inclusive way, the elements and steps necessary for the construction of the roadmap towards a National Action Plan on Business and Human Rights were identified.¹⁴⁹⁸

1048. For its part, the REDESCA looks with concern at the existing complaints regarding the so-called Employment and Economic Development Zones (ZEDE), whose implementation could involve serious risks to the fulfillment of the general obligation of the State of Honduras to respect and guarantee the free and full exercise of the rights of all inhabitants, without discrimination.¹⁴⁹⁹

1049. According to civil society organizations, these zones are defined by the authorities as areas within the national territory that are subject to a special regime designed by those who administer them. In that sense, its investors would have the ability to design and implement public policy, fiscal policy, as well as security and conflict resolution in the sector.¹⁵⁰⁰

1050. In addition, the REDESCA notes with concern that, within the framework of the execution and installation of these areas, the rights of collective property and access to land of local communities would not be respected, and there are also risks to the possible privatization of public health and education services.¹⁵⁰¹ In the same way, the REDESCA notes that the framework in which they are constituted may allow for little or no supervision or regulation of the business activities that occur.

¹⁴⁹⁶ IACHR, Resolution No. 12/18 Inhabitants consuming water from the Mezapa River with respect to Honduras PM 772-17, 24 February 2018

¹⁴⁹⁷ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

¹⁴⁹⁸ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

¹⁴⁹⁹ UN-Honduras, The ZEDEs could pose serious risks to the guarantee of human rights by the State of Honduras, June 8, 2021

¹⁵⁰⁰ Peace-Brigades international, Honduras Will not be ZEDE-d, July 2021

¹⁵⁰¹ UN-Honduras, The ZEDEs could pose serious risks to the guarantee of human rights by the State of Honduras, June 8, 2021

- In this sense, the REDESCA recalls that the obligation of control affects any economic or business activity that takes place in the territory, even if they are essential public services within the power of the State.
1051. With these considerations, the REDESCA emphasizes that regardless of the legal nature of the company that carries out the activities in the country, the State has inter-American obligations to respect and guarantee the human rights of individuals throughout its jurisdiction. In that connection, it recalled that, in its report on business and human rights, it had recommended that States adopt legislation imposing binding provisions on the duty of corporate due diligence in the field of human rights.
1052. Likewise, the REDESCA warns that, in accordance with the law¹⁵⁰², article 4 recognizes the right of the ZEDE to collect and administer their taxes and determine the rates they charge for their services, with which the State loses powers of the public administration such as collecting taxes. For its part, Article 29 in its first paragraph defines: "The ZEDES must have an independent tax regime".
1053. In that sense, the Honduran College of Economists, has expressed "the State will stop receiving revenues of approximately 46 billion lempiras each ¹⁵⁰³year." In the same direction, the Central American Institute of Fiscal Studies (ICEFI), said that the attraction of foreign direct investment is based on the granting of tax privileges. However, evidence has shown that this is not true and, in addition, it is an outdated strategy that is not suitable for solving today's problems.¹⁵⁰⁴
1054. Considering the above, the REDESCA recalls that States are obliged to manage their fiscal affairs and adopt economic policies to ensure that they respect, protect and give effect to all human rights. Under this framework, the obligation of States to combat tax evasion and avoidance, to determine an adequate tax base on multinational enterprises and that the collection of taxes and the determination of priorities of public expenditure are oriented to the effective financing of public services related to the enjoyment of human rights is underlined. The Office of the Special Rapporteur observes that the lack of transparency and evaluation of the social costs and benefits of these tax privileges, usually to encourage corporate investment, raise questions about their effectiveness and validity. In this way, the income that States stop receiving due to tax avoidance or evasion, together with the tax incentives that they themselves could grant to certain sectors, reinforced by phenomena of State capture by companies, deprives them of receiving the necessary resources to comply with their human rights obligations.
1055. In addition, the REDESCA also takes note of the complaints received from Civil Society on the situation of extractive companies in the country, in the framework of a hearing within the 179th Regular Period of Sessions of the IACHR. During the same, civil society organizations pointed out that there would be a series of irregularities within the processes of mining concessions, since

¹⁵⁰² Republic of Honduras, Organic Law of the Employment and Economic Development Zones, Published in La Gaceta de Honduras No. 33.222, September 6, 2013

¹⁵⁰³ Honduran College of Economists: Northwest Chapter, PRONOUNCEMENT OF THE HONDURAN COLLEGE OF ECONOMISTS, June 24, 2021

¹⁵⁰⁴ ICEFI, ZEDEs are harmful to Honduran society: ICEFI, July 7, 2021

- prior consultation processes would not be observed, leaving the murder of the ombudsman Lenca Berta Cáceres as an exemplifying case.¹⁵⁰⁵ To that extent, the REDESCA notes that the United Nations Working Group on Human Rights and Transnational Corporations and Other Business Enterprises has noted on several occasions that all persons affected by development projects must have their rights fully respected and protected by the State and business in order to avoid conflict.¹⁵⁰⁶
1056. According to the information received, as of 2018, 540 mining projects and 307 power generation projects were granted, of which 137 projects are within indigenous territories according to civil society organizations. Consequently, civil society pointed out that this would have caused tensions between defenders, concessionaires and the State. However, the State would continue to hand over land where peasants carry out their work, but also in ancestral property territories. Likewise, the REDESCA notes with alarm that the State would be carrying out actions of harassment and harassment, against those people who claim for these facts without having the possibility of presenting their claims in the same way.¹⁵⁰⁷
1057. Finally, the REDESCA welcomes the friendly settlement agreement concluded in the case of the Miskito Divers, through which the State recognized its international responsibility for the violation of the rights to life, to a dignified life, to personal integrity, to judicial guarantees, to the rights of the child, to the equal protection of the law, judicial protection, health, work, social security, and non-discrimination. This assertion by the State was made on the basis of the factual and legal determinations of the Commission's merits report. The REDESCA highlights the opportunity that compliance with the judgment before the Inter-American Court represents for the improvement of the situation of direct victims and their families, as well as of the Mosquitia as a whole, as well as the issue of business and human rights. In this regard, the Office of the Special Rapporteur is at the disposal of Honduras to support its efforts to implement the inter-American standards on business and human rights, as well as the recommendations of its thematic report on the subject.¹⁵⁰⁸¹⁵⁰⁹

D. Labor and Trade Union Rights

1058. With regard to fair, equitable and safe working conditions, the REDESCA views with concern the complaints raised by civil society organizations that maquiladora companies with US capital have confined women maquila workers in places and warehouses next to toxic waste. In that sense, the organizations denounce that this would be a strategy so that women who would not

¹⁵⁰⁵ IACHR, 179th Regular Period of Sessions, Hearing No. 05: Human Rights and Extractive Projects in Honduras, 19 March 2021

¹⁵⁰⁶ OHCHR. Communication. Honduras: Honduran government must ensure protection of the rights of people affected by development projects, says UN. August 29, 2020.

¹⁵⁰⁷ IACHR, 179th Regular Period of Sessions, Hearing No. 05: Human Rights and Extractive Projects in Honduras, 19 March 2021

¹⁵⁰⁸ Inter-American Court, Case of the Miskito Divers (Lemoth Morris and Others) v. Honduras, Judgment of August 31, 2021, Series C No. 432

¹⁵⁰⁹ IACHR, Business and Human Rights Report: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019

have the conditions to continue working occupy these spaces and are forced to resign their jobs.¹⁵¹⁰

1059. Similarly, the REDESCA also expresses its alarm regarding complaints made by trade union rights organizations regarding intimidation that union leaders have received for these facts. In this sense, the mandate notes that the Network of Honduran Maquila Unions (RSMH) announced a day of protests against the Special Economic Development Zone (ZEDE) Last week, the RSMH of Choloma announced that protests against the ZEDE¹ will resume, especially against "Ciudad Morazán", a project that is being developed on an area of 24 hectares and in an area where maquiladora activity is concentrated. The statements made by union leaders, including Evangelina Argueta, sparked the reaction of the company that promoted the project. Carlos Fortín Lardizábal, technical secretary of Ciudad Morazán, repeatedly called Argueta a liar and accused her of calling for violence, for the mere fact of having invited the population to protest against the ZEDE.¹⁵¹¹

1060. The Office of the Special Rapporteur views these facts with concern, since the maquila industry in Honduras has 173,000 permanent jobs and expects to create up to 10,000 new jobs according to the Honduran Association of Maquiladores. In this sense, the REDESCA observes that the acts mentioned above can generate a hostile and unsafe environment so that people can carry out their jobs safely and in addition to demanding their rights.¹⁵¹²

1061. In this regard, the REDESCA reminds the State that guaranteeing people's right to work refers to decent work that respects fundamental rights, as well as the rights of workers in relation to conditions of job security and remuneration. It also offers an income that allows workers to live and secure the lives of their families.¹⁵¹³ Likewise, with regard to the generation of safe and hygienic working conditions, the REDESCA reminds the State that one of the essential elements to comply with the minimum content of this right is that they regulate and carry out actions aimed at ensuring its effective compliance, in particular by supervising and punishing its violation by public and private employers. This becomes more important in the face of unequal and abusive forms of labor treatment resulting from precarious labor relations.¹⁵¹⁴

1062. On the other hand, the REDESCA also welcomes the processes of vindication of other labor sectors, such as domestic work. Along these lines, the REDESCA notes with interest that the Network of Domestic Workers of Honduras (RTD), presented to the Supreme Court of Justice of Honduras (CSJ), two appeals of unconstitutionality against several discriminatory articles of the Labor Code and the Minimum Wage Law. The objective of this action seeks the repeal of articles

¹⁵¹⁰ CODEMUH, [Transnationals Lock up maquila workers in wineries](#), November 25, 2021

¹⁵¹¹ REL-IUTA, [Honduran Centrals Back Maquila Union Leader](#), 27 October 2021

¹⁵¹² EFE, [Honduran maquila industry advances after recovery in demand in the U.S.](#), July 7, 2021

¹⁵¹³ IACHR, Report No. 25/18. Case 12.428. Admissibility and merits. Employees of the fire factory in Santo Antônio de Jesús and their families. Brazil. OEA/Ser.L/V/II.167 Doc.29.2 of March 2018. Para. 158

¹⁵¹⁴ IACHR, Merits Report No. 64/18. Opario Lemoth Morris and others (Miskito Divers). Honduras. 8 May 2018, para. 261

154, 161, and 325 since these would be explicitly discriminating against domestic work performed by women.¹⁵¹⁵

E. Fiscal and Economic Policies

1063. On the situation of fiscal and economic policies in the country, the REDESCA bears in mind that the objective of these for the State is to reduce inequality and extreme poverty. In this sense, the REDESCA takes note of the General Provisions of the Republic approved annually, for 2021 that reflect an amount approved by the National Congress for Public Investment in 2021, was for the amount L. 24,023.4 million distributed in the Public Investment Program, the Solidarity and Social Protection Program for poverty reduction, in Road Infrastructure projects, as well as in the Trusts of: Investments and Assignments (FINA), Support and Promotion of Sport, Improvement of the Road Infrastructure of the Departments of Colón and improvement of the Infrastructure and Services of the Department of Islas de la Bahía.¹⁵¹⁶

1064. Similarly, the IACHR and the REDESCA note that as of August 2021, Public Investment reached a current budget of L. 28,135.8 million for the execution of 88 projects, including five projects financed through the Public-Private Partnerships (PPP) modality and six Trusts; the Road Infrastructure Trust, Social Fund for poverty reduction (Better Life), Investment and Allocations Trust (FINA), Trust: Improvement of infrastructure and services of the Bay Islands Departments, Trust: Improvement of road infrastructure of the Departments of Colón and Atlántida, National Trust for Support and Promotion of Sport and 77 projects that make up the Public Investment Program (PIP).¹⁵¹⁷

1065. Along these lines, the Commission and the REDESCA welcome the progress that the State has made to promote public investment in the country in the areas that require greater attention to serve the most vulnerable people, especially those who are in a situation of poverty and extreme poverty. However, the Commission and the REDESCA are concerned that, according to a study by the National Autonomous University of Honduras, poverty in the country increased to 70% in 2020, with an increase of 10.7 percentage points compared to 59.3% in 2019, driven by the COVID-19 pandemic and tropical storms Eta and Iota.¹⁵¹⁸

1066. In the same vein, the Commission and REDESCA note that, according to UNDP, Honduras continues to be one of the poorest and most unequal countries in Latin America and the Caribbean, and of the lower middle-income countries. Additionally, although extreme poverty decreased by 1.9 percentage points in 2017 compared to the level shown in 2013, it still remains above the average of the period, of 40.3%. In this line, according to the Secretariat of General Coordination of the State Government, it has pointed out that one of the factors that prevent greater progress in the reduction of poverty, refers to inequality in the distribution of income, since this prevents the

¹⁵¹⁵ CESPAD, [The domestic workers who decided to challenge the Supreme Court of Justice of Honduras](#), 6 January 2021

¹⁵¹⁶ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

¹⁵¹⁷ Government of the Republic of Honduras, Follow-up Report on Compliance with the Recommendations of the IACHR, Official Letter No. SEDH-PM-069-2021, October 29, 2021

¹⁵¹⁸ Swissinfo, [Poverty in Honduras rose to 70% in 2020 due to Eta, Iota and covid](#), April 30, 2021

growth of GDP per capita from having a higher rate of transformation into poverty reduction.¹⁵¹⁹¹⁵²⁰

1067. Therefore, although the measures that would be carried out aim to improve the quality of life of people in the most vulnerable situation, different situations such as the pandemic and the impacts derived from climate change have resulted in these processes being able to be stopped. The Commission and the REDESCA note that consequently the poverty rate in the country could increase from 70 to 75% by the end of 2021 for the reasons mentioned above, plus the lack of job opportunities and the high costs of living.¹⁵²¹

1068. The Commission and the REDESCA urge the State that all measures implemented in this context have a follow-up mechanism for their effective implementation. In this regard, the Commission and the REDESCA remind the State that public policies to reduce poverty need to comprehensively include a human rights approach in all its stages: design, planning, implementation, and evaluation. In this regard, it is essential that legal and regulatory frameworks be strengthened, through the recognition of economic, social, cultural and environmental rights, with their institutionalization and transparent determination of their specific scope.¹⁵²²

F. Education, science, technology: academic freedom and university autonomy

1069. In relation to the guarantee of the right to education, the REDESCA takes note of the Support Program for the Safe Return to Educational Centers promoted by the Ministry of Education published in August 2021. Within its planning, the Office of the Special Rapporteur notes that the entity indicates that the program is based on three components: biosecurity, psychosocial conditions, and adequacy of the teaching-learning process of educational centers and therefore of their students, which in turn depends on the evolution of the pandemic, without ignoring the possibilities of new outbreaks, reinfections and the possibility of selective confinements, being the facilitating entity of the process.¹⁵²³

1070. Similarly, the REDESCA notes that this program aims to guarantee the right to education and the preservation of life through the facilitation of biosecurity, psychosocial and learning process conditions – adequate teachings for 1,825,755 students nationwide.¹⁵²⁴ Along the same lines, the REDESCA also welcomes the fact that the State is also carrying out actions to seek semi-presence

¹⁵¹⁹ Secretariat of General Coordination of the Government of Honduras, Government Strategic Plan 2018-2022, Updated July 2021

¹⁵²⁰ Secretariat of General Coordination of the Government of Honduras, Government Strategic Plan 2018-2022, Updated July 2021

¹⁵²¹ EFE, Poverty in Honduras could increase from 70 to 75% in 2021 due to covid-19, July 12, 2021

¹⁵²² IACHR, Report on Poverty and Human Rights in the Americas, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 485

¹⁵²³ Ministry of Education of Honduras, PROGRAM TO SUPPORT THE SAFE RETURN TO SCHOOLS IN THE FACE OF COVID-19 IN HONDURAS "SAFE RETURN TO SCHOOL", August 2021

¹⁵²⁴ Ministry of Education of Honduras, PROGRAM TO SUPPORT THE SAFE RETURN TO SCHOOLS IN THE FACE OF COVID-19 IN HONDURAS "SAFE RETURN TO SCHOOL", August 2021

in the country. In this sense, the Ministry of Education has indicated that the implementation of these plans would depend on the process of inclusion.¹⁵²⁵

1071. However, despite these actions, the REDESCA notes that, according to information from civil society, at least 2 million students were excluded from the education system because of the pandemic. In that sense, during 2020 only 800 thousand students could access virtual classes. Consequently, they pointed out that 30% of learning in reading and mathematics was lost.¹⁵²⁶

1072. Similarly, the REDESCA is concerned that in this context the country faces a challenge in ensuring that more people can access education. Since the data that civil society has recorded that 427 thousand young people from 14 to 17 years old do not study or work. Similarly, 1.7 million students out of 2.9 million school age were enrolled for this elective year. Consequently, 76% of children and adolescents receive less than 5 hours of class per week.¹⁵²⁷

1073. The REDESCA takes note of the initiatives carried out by the State to guarantee the presence of students during the pandemic. It also welcomes the efforts made to seek effective dialogue mechanisms between the various actors in the education sector in this context. However, the Office of the Special Rapporteur is concerned about the high rates of school dropouts that have been recorded by civil society and calls on the State to address this issue. The REDESCA recalls that internationally children and adolescents are holders of the rights to education and recreation. In the context of the pandemic, these rights may be affected in conjunction with other related rights such as the rights to food, health, personal integrity or to live a life free from all forms of violence.¹⁵²⁸

1074. In this regard, the REDESCA reiterates that the right to education is a right that allows the creation of the conditions for the effective enjoyment and enjoyment of other human rights. Along these lines, it urges the State to continue making these efforts and to take into account the recommendations made by the IACHR and the REDESCA in this matter, particularly those contained in Resolutions 1/2020 and 4/2020, and other applicable documents.

G. Human Mobility and ESCER

1075. In relation to the situation of ESCER of people in a situation of human mobility, the REDESCA looks with concern at the massive records of movements of people that would be taking place throughout the year in the country and throughout the region. In that sense, the REDESCA received information about a new caravan of migrants from Honduras, which left on March 29 from northern Honduras, heading towards the United States. According to the government, the migrant

¹⁵²⁵ Ministry of Education of Honduras, [Education works in the search for alternatives to open in a blended way the educational centers at the national level](#), November 8, 2021

¹⁵²⁶ ASJ Honduras, [TWO MILLION STUDENTS ARE EXCLUDED FROM THE EDUCATION SYSTEM BECAUSE OF THE PANDEMIC](#), 12 October 2021

¹⁵²⁷ ASJ Honduras, [TWO MILLION STUDENTS ARE EXCLUDED FROM THE EDUCATION SYSTEM BECAUSE OF THE PANDEMIC](#), 12 October 2021

¹⁵²⁸ IACHR, Practical Guide No. 2: How to Guarantee Access to the Right to Education for Children and Adolescents During the COVID-19 Pandemic?; 2020

caravan and the pandemic could put in "danger the population and authorities of Guatemala, including the migrants themselves who must also be protected."¹⁵²⁹

1076. Similarly, in October 2021 there was a new flow of people who left in a march to the United States with people mostly from Haiti, El Salvador, Honduras and Guatemala. Some 3,000 people, including families with young children, began marching from the city of Tapachula, near the Guatemalan border, to Mexico's capital in protest at the government's absence in the south, where officials have tried to contain thousands of migrants, and demanding legal documents that allow foreigners to move freely in the country.¹⁵³⁰

1077. On the other hand, the REDESCA notes that, with respect to the underlying reasons for human mobility, one of the determining factors is that of the impacts of climate change. According to UNHCR, however, the devastating nature of last year's storms and the fact that they hit one after the other suggest new and more violent patterns due to climate change. In Honduras, communities that have reached the limit in the wake of gang violence may face disaster after disaster, with no time or resources to recover. Around 247,000 people have been internally displaced, and another 183,000 have applied for international protection in other latitudes. While it is not possible to determine to what extent extreme weather events – such as Hurricanes Iota and Eta – have played into the decisions of people who choose to flee, it is clear that climate change has become another factor forcing the Honduran population to leave their homes and communities.¹⁵³¹

1078. The REDESCA expresses its concern regarding the aforementioned events because they would be realizing that the living conditions in Honduras of many people would not be improving. For this reason, the Office of the Special Rapporteur urges Honduras to strengthen ESCER in the context of the pandemic, particularly access to health, education, and food services, as a way to prevent migratory movements caused by the lack of access to them.

¹⁵²⁹ DW, Honduras: New migrant caravan forms for the U.S., March 30, 2021

¹⁵³⁰ France24, New migrant caravan heads to Mexican capital to apply for asylum, October 14, 2021

¹⁵³¹ UNHCR [Climate change, another factor that causes displacement in Honduras](#), November 9, 2021

22) JAMAICA

1079. With respect to the situation of ESCER in Jamaica, the Office of the Special Rapporteur has followed up on the impact that the pandemic has had on the guarantee of the right to health and its social determinants. In particular, the delay in vaccination against COVID-19 in the country is noted with concern. In the same way, the REDESCA follows the measures in fiscal matters for the guarantee of ESCER, the situation of human mobility, the differentiated effects that climate change and extractive activities would be generating in the State, as well as the impacts that the pandemic has generated in the protection of the right to education and the right to work. Each of these strategic lines for the mandate agenda is then addressed in greater detail.

A. Right to Health and its social determinants

1080. In the context of the COVID-19 pandemic, the REDESCA has observed the impacts caused by it on the enjoyment of the right to health. In the case of Jamaica, since the beginning of the pandemic and until November 29, 2021, according to the Ministry of Health and Social Welfare, 91,249 people were contaminated by COVID-19, and 2,392 deaths registered.¹⁵³² In September 2021, the State of Jamaica had to extend the periods of restriction of the mobility of citizens and the night curfew, after a record number of infections was recorded since the beginning of the pandemic in March 2020.¹⁵³³

1081. On the other hand, the State established a series of economic and fiscal measures in order to stimulate the economy and avoid a greater economic impact. The REDESCA notes that Jamaica adjusted its financial plan to accommodate reduced revenues, increased medical expenses, changes in initial spending plans, and the use of money supplies. In that sense, the government has suspended taxes on the import of essential medical equipment. Additionally, the Central Bank of Jamaica has reduced its reserves required for funds, keeping the interest rate at 0.5%. This has contributed to increasing the amount of money in the economy. The country has also asked the IMF for \$520 million to help it recover from the pandemic.¹⁵³⁴

1082. In addition, the Office of the Special Rapporteur welcomes the fact that the country has launched its *CARE program* during the COVID-19 pandemic, which offers monetary compensation to the most needy people in the country. According to the information available to the REDESCA, some 500,000 people would have benefited from this initiative, especially people who were left without work due to the pandemic, who received 9,000 Jamaican dollars fortnightly each month¹⁵³⁵. The program also helps seniors and people who are sick or disabled. In addition, this strategy includes: contributions considered to people without work or with occasional jobs before COVID-19; temporary allowances to people who were working but lost their jobs due to COVID-

¹⁵³² Ministry of Health & Wellness, [COVID-19 Clinical Management Summary](#), November 29, 2021

¹⁵³³ SwissInfo, [Jamaican Prime Minister calls for panic in the face of rising infections](#), 2 September 2021

¹⁵³⁴ The Borgen Project, [The Impact of COVID-19 on Poverty in Jamaica](#), June 5, 2021

¹⁵³⁵ Jamaica Information Service, [Multi-Billion Dollar Care Programme For Workers](#), Small Businesses, March 29, 2020

- 19; and funding for the self-employed whose incomes were reduced due to the pandemic, as well as small businesses.¹⁵³⁶
1083. In relation to the vaccination process, the REDESCA notes that, as of December 7, the island had administered 1,137,614 doses. Of that number, some 613,160 were first doses and 453,235 were second doses, and the rest were single doses. In this sense, only 18% of the population would be fully vaccinated. Therefore, the Office of the Special Rapporteur is concerned about the low immunization rate of the Jamaican population and unequal access to COVID-19 vaccines.¹⁵³⁷¹⁵³⁸
1084. The Office of the Special Rapporteur notes that, since COVID-19 vaccinations began in March of this year, the island has received more than one million (about 1,139,140) doses of vaccines, including those from the African Medical Supply Platform, the COVAX Facility, Canada, India, Mexico, the United Kingdom, and the United States. The vaccines offered are from AstraZeneca, Johnson & Johnson and Pfizer. In April 2021, 55 thousand doses of the COVID-19 vaccine from the pharmaceutical company AstraZeneca, through the COVAX mechanism. On April 8, Jamaica received its third AstraZeneca vaccine, totaling 75,000 doses, from the African Medical Supplies Platform. In addition, the government¹⁵³⁹¹⁵⁴⁰ continues with the effort to vaccinate at least 65% of the population against COVID-19 until March 2022.¹⁵⁴¹
1085. The REDESCA also learned that, as part of the vaccination process, frontline tourism workers in Jamaica were vaccinated as a priority group, as part of the country's strategy to attract tourism back to Jamaica. Around 30,000 workers in the tourism sector were vaccinated in April 2021. Adults over 60 years of age, people 40 years of age or older, who suffer from one or more comorbid diseases; persons aged 50 years or over; and persons employed in the transport sector have also been added to the categories of persons who were vaccinated with priority.¹⁵⁴²¹⁵⁴³

B. Climate Emergency and Human Right to Water

1086. Regarding the climate emergency, the REDESCA notes that, during COP-26 in Glasgow, the Prime Minister of Jamaica reported that, in June 2020, the State was one of the first to present its Nationally Determined Contribution (NDC) and, in October 2021, launched an implementation

¹⁵³⁶ The Borgen Project, [The Impact of COVID-19 on Poverty in Jamaica](#), June 5, 2021

¹⁵³⁷ Ministry of Health & Wellness, [COVID-19 Vaccination Tracker](#), 07 December 2021

¹⁵³⁸ Our World in data, [Coronavirus \(COVID-19\) Vaccinations](#), 07 December 2021

¹⁵³⁹ Ministry of Health & Wellness, [Half a million doses and counting](#), August 26, 2021

¹⁵⁴⁰ Jamaica Information Service, [55,000 doses of AstraZeneca vaccine arrived yesterday](#), April 27, 2021

¹⁵⁴¹ Ministry of Health & Wellness, [Half a million doses and counting](#), August 26, 2021

¹⁵⁴² Jamaica Information Service, [Vaccinating tourism workers puts Jamaica ahead of the game - Minister Bartlett](#), April 11, 2021

¹⁵⁴³ Jamaica Information Service, [Vaccinating tourism workers puts Jamaica ahead of the game - Minister Bartlett](#), April 11, 2021

- plan. He added that the country has initiated the preparation of the long-term Climate Resilient Emission Reduction Strategy for 2050.¹⁵⁴⁴
1087. The Office of the Special Rapporteur also recognizes the efforts of the Government of Jamaica in the "National Tree Planting Initiative" Project of the Ministry of Housing, Urban Renewal, Environment and Climate Change, which aims to plant three million trees within three years to support national development in the areas of climate change and reforestation to increase forest cover and establish high-value urban green spaces for all Jamaicans. The Ministry explained that the initiative will also help the nation safeguard food security, water security and conserve biological resources.¹⁵⁴⁵
1088. In the same vein, the REDESCA points out that Jamaica has accessed a fund of \$1.1 million dollars from the *Green Climate* Fund, which will be used for the preparation of Jamaica's first National Adaptation Plan, which is intended to include a private sector participation strategy, a financing strategy and an investment plan for adaptation, looking for the opportunity to reduce the impacts of climate change so that the population has a better quality of life. In addition to the above, the REDESCA notes that, in May 2021, the Ministry of Local Government and Rural Development declared that it will spend \$325 million to supply water to rural communities throughout the country. He reported that \$215 million will be allocated to the realization of projects that will benefit about 20,000 people in communities of St. Catherine, St. Ann, Clarendon, St. Elizabeth, Portland and St. James. It was also stated that \$110 million will be set aside to build water stores, benefiting communities belonging to the Rural Development Program.¹⁵⁴⁶¹⁵⁴⁷
1089. The REDESCA, while recognizing the country's efforts to mitigate climate change through investments in renewable energy and energy efficiency, urges the State to give priority to the ratification of the Additional Protocol on Economic, Social and Cultural Rights to the American Convention (Protocol of San Salvador), as well as the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).
1090. Regarding the right to water, Jamaica has not only faced a significant threat to its forests due to deforestation, but the quality of one of the island's main water resources, the Copper River, has also been severely compromised by a recent discharge of caustic effluents from the nearby bauxite plant. The operation, managed by the West Indies Alumina Company (Winalco), and owned by the Russian company UC Rusal Jamaica Limited, is located near the Copper River.¹⁵⁴⁸
1091. Similarly, the REDESCA notes with concern that there has been an expansion of mining concessions in ecologically sensitive areas such as lands traditionally inhabited by indigenous peoples and Afro-descendant communities. An example within reach of REDESCA is the location

¹⁵⁴⁴ Jamaica Information Service, [Statement of the Honourable Prime Minister, Andrew Holness, ON, MP To The World Leaders Summit Of The 26th Conference Of Parties \(COP 26\)](#), November 1, 2021

¹⁵⁴⁵ Jamaica Information Service, [Plant a tree to fight climate change](#), 17 September 2021

¹⁵⁴⁶ Jamaica Information Service, [Jamaica has access to US\\$1.1 million from Green Climate Fund](#), May 5, 2021

¹⁵⁴⁷ Jamaica Information Service, [\\$325 million set aside to provide water to rural areas](#), May 19, 2021

¹⁵⁴⁸ Global Voices, [Déjà vu as bauxite company pollutes an iconic Jamaican river, yet again](#), August 17, 2021.

of the Cockpit Country - the largest intact tropical forest, and the source of six large rivers that supply 40% of the freshwater of western Jamaica, a place of great biological diversity. According to information gathered during the 181st Period of Sessions of the IACHR, the Cockpit Country would now be threatened by Special Mining Contract (SML) 173, which was granted in 2018 for the extraction of bauxite in parts of the area.¹⁵⁴⁹

1092. Against this background, the REDESCA calls on the State of Jamaica to protect forests and water resources, including against extractive activity, with the aim of preserving water resources, preserving the environment and achieving sustainable development.

C. Business and human rights

1093. Regarding the impact that business activities may have on the enjoyment of various ESCERS, the Office of the Special Rapporteur highlights with concern the information sent and what was expressed during the Regional Hearing on the Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean Hearing, within the framework of the 181st Period of Sessions of the IACHR. At that hearing, the applicant organizations denounced the impacts of extractive activities and climate change on the human rights, and particularly on ESCER, of the population in the Caribbean, which have had a disproportionate effect on women, indigenous peoples and Afro-descendant communities¹⁵⁵⁰.

1094. Similarly, in Jamaica, THE REDESCA learned that the nearly 70-year-old bauxite and alumina industry has devastated rural communities, destroyed prime farmland and polluted rivers, causing fish to die and lose fishermen's livelihoods. In addition, according to the organizations, there are serious and continuing deficiencies in the control and supervision of the bauxite-alumina industry, including the ineffectiveness of air quality control – despite constant complaints about the harmful health effects of air pollution – and a chronic lack of attention to detail in the control of extractive projects¹⁵⁵¹.

1095. For this reason, the REDESCA recalls that, in the report *Business and Human Rights*, it is stated that there is a close relationship between human rights, sustainable development and the environment whose interaction covers innumerable facets and scopes. Likewise, not only States, when exercising their regulatory, supervisory and judicial functions, but also companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations.¹⁵⁵² Thus, the REDESCA calls on the State of Jamaica to implement inter-American standards on business and human rights and, in particular, to regulate and supervise extractive activities of exploitation or development

¹⁵⁴⁹ IACHR, 181st Period of Sessions: RE. Impact of extractive industries on human rights and climate change, 26 October 2021

¹⁵⁵⁰ IACHR, [Annex Press Release 297/21 - 181 Period of Sessions. RE: Impact of extractive industries on human rights and climate change in the Caribbean](#), November 8, 2021

¹⁵⁵¹ IACHR, 181st Period of Sessions: RE. Impact of extractive industries on human rights and climate change, 26 October 2021

¹⁵⁵² REDESCA, [Business and Human Rights: Inter-American Standards](#), OAS/ Ser. L/V/II, Para. 45, 1 November 2019

that are developed under the jurisdiction of a State, in accordance with inter-American and international standards in this area.

D. Labor and Trade Union Rights

1096. With regard to the enjoyment of labor and trade union rights in Jamaica, the REDESCA notes that the Statistical Institute of Jamaica reported that, in July 2021, there were 1,215,000 people employed, representing an increase of 93,400 (8.3 per cent) over the same quarter of the previous year. Likewise, male employment increased by 55,700 (9.0%) and female employment by 37,700 (7.5%). Men increased their employment mainly in the "Elementary Occupations" and in the "Construction" group. The increase in the number of women employed occurred mainly in the occupation group "Employees" and in the industrial group "Accommodation and food services".¹⁵⁵³

1097. In relation to women's work, the REDESCA recalls that they still face a set of defined obstacles to their labor insertion, such as the sexual division of labor, the demand for care and occupational segregation, among others. Regarding the sexual division of labor in particular, the Office of the Special Rapporteur emphasizes that this problem has a direct impact on women's economic autonomy, since it limits their options for generating income, and on their access to and control of necessary resources.

1098. With respect to the employability rate, the Office of the Special Rapporteur learned that, in July 2021, the unemployment rate was 8.5%. Although this number is still high, it is 4.1 percentage points less than in July 2020. Since the onset of COVID-19, the country's tourism industry has fallen, and businesses, such as restaurants and resorts, experienced a significant decline in business. Due to the previous one, 50,000 Jamaicans working in the tourism sector lost their jobs, illustrating the substantial impact of COVID-19 on Jamaica's poverty.¹⁵⁵⁴¹⁵⁵⁵

1099. On the other hand, the REDESCA welcomes the information that, according to information provided by Reporters Without Borders (RSF), Jamaica, by 2021, would be in 7th place out of 180 countries among the safest in the world to practice the profession of journalism, respecting freedom of information and the right to the free exercise of work activity.¹⁵⁵⁶

1100. Finally, the Office of the Special Rapporteur accompanies the discussions on mandatory vaccination in the workplace, which require workers to get vaccinated or periodically submit COVID-19 tests that show they do not have the virus. In addition, some of these measures imply that non-compliance of a worker can lead to their dismissal. Bey is particularly concerned about this situation, taking into account the limited access to vaccines and low percentage of the vaccinated population in Jamaica.¹⁵⁵⁷

¹⁵⁵³ Statistical Institute of Jamaica, [Labor Force Survey July 2021](#), retrieved 20 November 2021

¹⁵⁵⁴ Statistical Institute of Jamaica, [Labor Force Survey July 2021](#), retrieved 20 November 2021

¹⁵⁵⁵ The Borgen Project, [The Impact of COVID-19 on Poverty in Jamaica](#), June 5, 2021

¹⁵⁵⁶ Jamaica Gleaner, [Jamaica falls to seventh on World Press Freedom Index](#), 4 May 2021

¹⁵⁵⁷ Jamaica Observer, [Lab job worries](#), November 14, 2021

1101. In this regard, the REDESCA, in accordance with Resolution No. 1/2021 of the IACHR, reminds the State of Jamaica that free, prior, full, and informed consent derives from rights recognized in the inter-American system, such as the right to health, to receive and access information, as well as not to suffer arbitrary interference in private life and that, it is also a central aspect in the development of human rights bioethics, understood as a necessary tool to frame as to solve the challenges and dilemmas linked to the pandemic. Therefore, all information provided to workers must be timely, complete, understandable, clear, without technicalities, reliable, culturally appropriate, and that takes into account the particularities and specific needs of the person, so that they can adopt safety measures at work with the utmost knowledge.¹⁵⁵⁸

E. Fiscal and Economic Policies

1102. With regard to the various fiscal and economic policies taken by the State, the REDESCA notes that, according to the World Bank, inflation has risen between 4% and 6% in 2021, and is mainly due to the rise in world food and energy prices, but the prices of other imports and transport costs have also increased, as a result of the scarcity of the global supply chain. In this context, the REDESCA is concerned that, in October 2021, the prices of some agricultural products, especially vegetables, continued to increase, which resulted in an increase of 6.8% in the index of the class "Vegetables, tubers, bananas, kitchen bananas and legumes". This situation contributes to the food insecurity of the population, especially in the context of the pandemic and poverty in the country.¹⁵⁵⁹

1103. On the other hand, the Office of the Special Rapporteur notes that tourism would have recovered to almost 70% of pre-crisis levels, despite the two waves of COVID-19 this year, and other sectors have also recovered, contributing to the improvement of the labor sector and the decrease in unemployment in the country. For its part, the Office of the Special Rapporteur records that the Ministry of Industry, Investment, and Commerce has allocated \$1 billion dollars for the ¹⁵⁶⁰*Go Digital* fund, which seeks to support small and medium-sized enterprises. As a result of the economic impact of the COVID-19 pandemic, the government has devised a series of strategic measures to support entrepreneurs, among which, this amount is destined to the private sector.¹⁵⁶¹

1104. In this context, the REDESCA points out as an indication of improvement in the economy the information that real GDP in the second quarter of 2021 in Jamaica was 14.2% higher than in the same quarter of the previous year. According to the World Bank, for the country to grow stronger: education and training must be more effective and linked to the demand for labor; infrastructure, logistics and digitalization would benefit from improvement; it is necessary to contain violence and shift energy sources towards renewables; policy reforms should aim to improve governance

¹⁵⁵⁸ IACHR, Resolution 1/2021, [Vaccines against covid-19 within the framework of inter-American human rights obligations](#), 6 April 2021, para. 11

¹⁵⁵⁹ IMF [Jamaica: Staff Concluding Statement of the 2021 Article IV Mission](#), November 17, 2021

¹⁵⁶⁰ IMF [Jamaica: Staff Concluding Statement of the 2021 Article IV Mission](#), November 17, 2021

¹⁵⁶¹ Jamaica Information Service, [\\$1 billion allocated for "Go Digital" initiative to support small businesses](#), May 12, 2021

and reduce vulnerability to corruption; there is a need to increase the access of the SME sector to finance.¹⁵⁶²

1105. Therefore, the REDESCA recalls that economic growth must be accompanied by the strengthening of social rights, such as food, health, housing, education and work, so that the entire population of the country benefits from economic gains, especially those who are in a situation of poverty or social vulnerability.

F. Education, science, technology: academic freedom and university autonomy

1106. Regarding the enjoyment of the right to Education, the REDESCA has observed that, at the end of January 2021, the government of Jamaica recognized that the efforts made for a return to face-to-face classes were not in line with the plan. The Minister of Education, Youth and Information reported that less than half of the educational institutions have been given authorization to return to school in person.¹⁵⁶³

1107. In May 2021, it was reported that around 500 schools opened their doors to resume classes in person, after an attempt to reopen schools in March, which quickly closed after a resurgence of COVID-19. Additionally, Jamaica's Minister of Education, Youth and Information, on November 30, reported that 56,300, or 27% of high school students, benefit from limited face-to-face learning, in preparation for external exams. It also reported that high schools that reach 65% or more of their fully vaccinated student population can return to face-to-face learning. However, distance learning or online opportunities will continue to be available to those who have decided not to get vaccinated. This would include computer-assisted online learning, audio-visual learning and our learning kits.¹⁵⁶⁴

1108. Due to the above, the REDESCA reiterates the importance of ensuring that the necessary hygiene and social distancing measures are guaranteed to protect educational and administrative personnel, as well as children and adolescents.¹⁵⁶⁵

1109. The REDESCA also received information that, through a strategic alliance between Jamaica and Cuba, Jamaican schools will continue to receive professional and academic support from Cuban teachers, following the signing of the agreement between the countries in May 2021, where it was agreed to extend bilateral cooperation in education. Currently, 86 teachers work in 78 schools - 46 at the primary level, 32 at the middle level and another 4 at an upper middle level.^{1566,1567}

¹⁵⁶² IMF [Jamaica: Staff Concluding Statement of the 2021 Article IV Mission](#), November 17, 2021

¹⁵⁶³ Jamaica Gleaner, [Connectivity issues hurting resumption of face-to-face classes](#), 25 January 2021

¹⁵⁶⁴ Jamaica Gleaner, [Over 500 schools reopen for face-to-face classes](#), May 10, 2021

¹⁵⁶⁵ Cuba in Debate, [Resumption of the school year will be carried out once the vaccination campaign is over](#), 12 September 2021

¹⁵⁶⁶ Jamaica Information Service, [Jamaica and Cuba extend education agreement](#), May 27, 2021

¹⁵⁶⁷ Jamaica Information Service, [Jamaica and Cuba extend education agreement](#), May 27, 2021

G. Human Mobility and ESCER

1110. With regard to Jamaica's human mobility, the Office of the Special Rapporteur notes that, according to the latest available data, Jamaica has 23,468 migrants, representing 0.86% of the population. The main countries of origin of immigration in Jamaica are the United States, 26.79%, the United Kingdom, 20.45% and Trinidad and Tobago, 9.92%. In addition, Jamaica's current migration rate in 2021 is -3,824 per 1000 inhabitants, which is a decrease of 0.44% compared to 2020.¹⁵⁶⁸¹⁵⁶⁹
1111. The REDESCA was aware, in agreement with the International Organization for Migration (IOM), that, given its economic dependence on tourism, Jamaica continues to combat human trafficking, reduce smuggling operations and resolve problems related to the free movement of Caribbean Community (CARICOM) nationals, especially with regard to employment and health services. In addition, according to IOM, in Jamaica, there is an emigration of a significant percentage of its trained and qualified professionals. In recent decades, nearly one million Jamaicans have emigrated to the United Kingdom, the United States and Canada, generating economic and social effects, with serious consequences for the country's productive sector and its educational policy.¹⁵⁷⁰
1112. On this last issue, the REDESCA calls on the State to develop policies to promote work in the country, in order to avoid the displacement of qualified personnel to developed countries, thus avoiding the loss in the educational and social system.

¹⁵⁶⁸ Macro Data, [Immigration in Jamaica grows by 136 people](#), consultation on 11 October 2021

¹⁵⁶⁹ Macro Trends, [Jamaica Net Migration Rate 1950-2021](#), November 29, 2021

¹⁵⁷⁰ IOM [Jamaica: Migration Issues](#), November 9, 2021

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1113. In relation to the situation of Economic, Social, Cultural and Environmental Rights in Mexico, the REDESCA has been following the challenges related to the enjoyment of the right to health in an integral manner in the country, taking special note regarding the impacts of the pandemic and the measures adopted by the State. The REDESCA has also monitored the enjoyment of other ESCERs, such as the right to education and access to labor and trade union rights. It has also paid special attention to the impacts of climate change. On the other hand, the mandate has closely followed the situation of human mobility in relation to ESCER in Mexico. These strategic lines of monitoring are addressed in greater detail below:

A. Right to Health and its Social Determinants

1114. Regarding the guarantee of the right to health, particularly in the context of the COVID-19 pandemic, the REDESCA notes that, by January 2021, one in five deaths that have occurred in Mexico since the beginning of the pandemic were registered. Mexico closed January with a record of 32,729 deaths, being the worst month of the pandemic in the country, according to data from the Ministry of Health.¹⁵⁷¹

1115. During March, the Ministry of Health of Mexico reported 17,495 deaths caused by complications of the COVID-19 disease, which maintained the downward trend that began in February, after the month with the most deaths and infections since the arrival of the pandemic in Mexico was registered in January. In the third month of 2021, the federal agency reported 151,949 infections of the disease caused by the SARS-CoV-2 coronavirus, to reach a cumulative of 2 million 238,887 cases in the country, with a death toll of 203,210 people.¹⁵⁷²

1116. Of the 30,997 beds for general care for severe COVID-19 patients enabled nationwide, 5,627 (18%) were occupied during the third month of the year. Mexico City was the only entity that registered between 30 and 49% occupancy and the remaining 31 states registered less than 30 percent.¹⁵⁷³

1117. In that line, it has been characterized as a "third wave" of coronavirus cases was carried out by young people. COVID-19 cases in young people between the ages of 20 and 39 represent 40% of cases in Mexico, according to data from the Ministry of Health. It was reported that this third wave exceeded 12,000 new infections in one day, with an increase of more than 400 percent compared to the average levels were had in the last days of May, with the possibility of matching the historical maximum numbers that were sustained towards the end of January.¹⁵⁷⁴¹⁵⁷⁵

1118. The Office of the Special Rapporteur takes note of the alarming number of health personnel who died in Mexico as a result of COVID-19, specifically, there have been 4,188 cumulative deaths

¹⁵⁷¹ The Financier, [January](#) tragic for Mexico: in just one month there were 32,729 deaths from COVID-19, January 31, 2021.

¹⁵⁷² The Economist, [Mexico ends March with 203, 210 deaths from COVID-19 and 2 million 238,887 infections](#), April 1, 2021.

¹⁵⁷³ Ditto.

¹⁵⁷⁴ Forbes Mexico, [Young people star in the third wave of coronavirus in Mexico](#), July 16, 2021.

¹⁵⁷⁵ The Financier, [Covid: already grown 400 percent in Mexico](#), July 15, 2021.

- among health workers and 124 suspicious deaths from COVID-19, according to the Epidemiological Surveillance System of Viral Respiratory Disease (SISVER). In this regard, the REDESCA urges the State to take urgent measures for the protection of the rights of workers in the health sector, since the protection of the rights of people working in that sector is fundamental for the complete guarantee of the right to health of the population.¹⁵⁷⁶
1119. On the other hand, in relation to vaccination processes in the country, the State reported that it has a vast regulation and public policy regarding vaccination processes. Specifically, the REDESCA highlights the publication of the National Vaccination Policy Against the SAR-COV-2 Virus for the prevention of COVID-19 in Mexico of May 11, 2021. In that sense, the policy would be aimed at reducing the burden of disease and deaths caused by COVID-19, with specific objectives of vaccinating the people most susceptible to developing complications from COVID-19, facilitating economic reopening and return to normal activities, and finally reducing the number of hospitalizations and deaths.¹⁵⁷⁷¹⁵⁷⁸
1120. It is in this context that the REDESCA was aware that the State has so far acquired a total of 250,030,000 million total doses since November 2020. The Office of the Special Rapporteur notes that the State of Mexico has received vaccines of various types, such as Pfizer, AstraZeneca, Sinovac, Cansino, and Sputnik V.¹⁵⁷⁹
1121. In the same vein, the Office of the Special Rapporteur is aware that the State reported that covid-19 vaccines were distributed to the states with the instruction to vaccinate anyone, regardless of sex, religion, and gender, to guarantee equitable and non-discriminatory access to vaccination, in accordance with the availability of vaccine supply and stages described. In the case of vulnerable and hard-to-reach populations, as well as people with disabilities; special mobile brigades were integrated to go to the necessary sites and provide vaccination to the entire population, in accordance with the prioritization devised by the Technical Advisory Group on Vaccination (GTAV-COVID).¹⁵⁸⁰
1122. For its part, the State also reported that, in relation to the prioritization criteria, the international recommendations and those of the GTAV were taken into consideration. In this sense, the risk factor for hospitalization and death due to COVID-19 is age, it was considered as the first axis of prioritization. And considering that comorbidities are also related to age, the importance of vaccinating population groups over 50 years of age first was reiterated. During the

¹⁵⁷⁶ Milenio, Mexico accumulates more than 4 thousand deaths of health workers due to covid-19, August 24, 2021.

¹⁵⁷⁷ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

¹⁵⁷⁸ Government of Mexico, [National Policy on Vaccination against the SARS-CoV-2 Virus for the Prevention of COVID-19](#), May 2021

¹⁵⁷⁹ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021; The Country, [COVID-19 infections in Mexico return to the level of February without the rebound in hospitalizations](#), July 14, 2021.

¹⁵⁸⁰ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

- month of February, Mexican people over the age of 60 began to be vaccinated against the coronavirus, as announced by President Andrés Manuel López Obrador. ¹⁵⁸¹¹⁵⁸²
1123. Likewise, the REDESCA notes that other groups that were also considered priorities within the strategy were the health personnel who are on the front line of the fight against COVID-19, pregnant women and finally the teaching staff, given the need to return to essential activities such as education. ¹⁵⁸³
1124. Similarly, the Office of the Special Rapporteur is aware that the Government launched the mivacuna.salud.gob.mx portal to facilitate vaccination registration for people over 60 years of age, whose website reported 4.1 million older adults as of February. This is 29% of the almost 14.5 million Mexicans in that age range. Similarly, the REDESCA draws attention to the fact that, of the disaggregated data regarding vaccination, they did not have data referring to gender identity or expression, self-identification as members of indigenous groups or other factors such as race or ethnicity. According to the State, this information would not have been requested given the priority interest of health protection and that the main guiding axis was the age group. ¹⁵⁸⁴¹⁵⁸⁵
1125. Similarly, the REDESCA is aware of the efforts made by the State to provide information on vaccines and access to them. In that sense, the State stressed that within the morning press conferences held at the National Palace in Mexico City, the population has been informed about the status of the spread of the virus, as well as everything related to vaccines, including their application strategy. To this are added the efforts made by the State to make the vaccine processes transparent, as well as the prioritization of groups, the stages of vaccination and additionally the progress of vaccination in the country. ¹⁵⁸⁶
1126. For its part, with respect to the efforts that the State has made to prevent acts of corruption in the immunization process, the Office of the Special Rapporteur is aware that in the framework of the execution of the "Operational Strategy of the National Vaccination Policy against the SARS-COV2 virus for the prevention of COVID-19 in Mexico" (Operation Road Runner) the criteria are established and describe the components of the organizational structure and operational plan of the federal strategy of the special brigades. Under this framework, the different dependencies and entities of the Federal Public Administration must act within the scope of their powers; in order

¹⁵⁸¹ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

¹⁵⁸² The Country, [Mexico Announces It Will Begin Coronavirus Vaccination for Older Adults on Feb. 14](#), February 10, 2021.

¹⁵⁸³ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

¹⁵⁸⁴ The Country, [Mexico Announces It Will Begin Coronavirus Vaccination for Older Adults on Feb. 14](#), February 10, 2021.

¹⁵⁸⁵ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

¹⁵⁸⁶ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

- to prevent possible cases of corruption, undue influence or abuses of power in the access and distribution of vaccines.¹⁵⁸⁷
1127. However, the REDESCA takes careful note of various complaints regarding failures in the inoculation processes. In particular, the Office of the Special Rapporteur expresses its alarm that in April, a video was widely published on the use of an empty syringe within the COVID-19 vaccination plan in the inoculation of older adults, which caused the authorities to accelerate vaccination in this sector. reaching record daily figures of up to 10 million inoculated.¹⁵⁸⁸
1128. However, although it has been indicated by the State that frontline care people have been vaccinated in the country, this Office of the Special Rapporteur was aware that there were complaints by several groups of workers in the health sector, since there were no guarantees to be part of these processes. In particular, it has been indicated that initially, health sector workers belonging to the private sector were not taken into account. In this regard, it was learned that, in April 2021, through the issuance of amparos filed in the Second Collegiate Court of the Second Circuit of the federal judiciary, the vaccine was applied to 15 health professionals from private hospitals in the State of Mexico.¹⁵⁸⁹
1129. In this sense, the REDESCA notes that authorities in the health sector reported a deficit of vaccines for personnel in the sector, with an estimated 17,000 employees without receiving the doses, from public and private institutions. In the National Vaccination Strategy, with figures up to May 2021, it was estimated that 1.1 million health workers are already vaccinated, with both doses, for being on the front line of attention of the pandemic. For their part, after statements by the president of Mexico, private doctors also stated that they alleged discrimination and the absence of strategies to be inoculated.¹⁵⁹⁰¹⁵⁹¹¹⁵⁹²
1130. Similarly, the Office of the Special Rapporteur recalls that Resolution 1/2021 on VACCINES AGAINST COVID-19 within the framework of inter-American human rights obligations recommends to States that the prioritization criteria must obey the general human rights obligations of equality and non-discrimination, taking into account the application of the SAGE values framework of the World Health Organization (WHO), which explicitly include people working in the health sector.¹⁵⁹³
1131. Similarly, the WHO has said that "Health care workers rely on personal protective equipment to protect themselves and their patients and avoid becoming infected or infecting others."

¹⁵⁸⁷ State of Mexico, Report of the Mexican State to the response to the IACHR request transmitted on August 30, 2021, Note No. OEA3125, September 27, 2021

¹⁵⁸⁸ Forbes Mexico, [Mexico Accelerates Vaccination of Older Adults After Empty Syringe Scandal](#), April 9, 2021.

¹⁵⁸⁹ Political expansion, [Private doctors who won amparo await vaccine against COVID-19](#), April 17, 2021; Aristegui News, [AMLO questions protection of private doctors to receive anti-Covid vaccine](#), 15 April 2021

¹⁵⁹⁰ Millennium [Recognizes Health deficit for more than 17 thousand vaccines for medical personnel](#), May 21, 2021.

¹⁵⁹¹ Millennium [Since the beginning of the pandemic, more than 4,000 health workers have died from covid](#), July 13, 2021.

¹⁵⁹² El País, Mexico's private doctors raise their voices: "The Government has turned its back on us", April 2, 2021.

¹⁵⁹³ IACHR, Resolution No. 1/2021: COVID-19 vaccines within the framework of inter-American human rights obligations, April 6, 2020

According to the agency, the shortage of supplies (gloves, medical masks, respirators, safety glasses, face shields, gowns and aprons) makes medical, nursing and other frontline workers dangerously ill-equipped to care for people with COVID-19. In this regard, he has urged governments to stimulate the supply of equipment for the urgent protection of health workers.¹⁵⁹⁴

1132. In summary, the REDESCA notes that according to information received from testimonies of workers in the sector, precarious and risky working conditions were reported that may affect the high mortality in personnel working in health services. This includes both the doctor, nursing staff and support staff who are usually invisible.¹⁵⁹⁵

1133. On the other hand, the REDESCA notes that the State announced that it would work on the development of its own vaccine against COVID-19, informing that at the end of April clinical trials in humans began, with the expectation that it will be approved before the end of the year. It is expected that the vaccine will be up to 85% cheaper than those on the market and will be applied nasally. President López Obrador indicated that 30% of the production of the Mexican vaccine "Patria" against COVID-19 will go to countries that need it, as part of Mexico's solidarity with the international community and the unequal distribution of VACCINES AGAINST COVID-19.¹⁵⁹⁶¹⁵⁹⁷

1134. The REDESCA welcomes the initiative proposed by the Mexican executive to be able to complete the vaccination scheme through a vaccine of its own manufacture, in view of the great disparities that have been seen in the region in access to them by some countries. The Office of the Special Rapporteur, therefore, reiterates the call to eradicate corruption in the field of distribution and application of vaccines, as well as to ensure that intellectual property, patents, and business secrets do not continue to be an impediment to the right to health in the context of the pandemic.¹⁵⁹⁸

B. Climate Emergency and Human Right to Water

1135. In the context of the climate emergency and its impacts on the enjoyment and enjoyment of human rights, especially ESCER, the Office of the Special Rapporteur takes note of the various challenges that the country faces in this context. In particular, the REDESCA takes note of a study conducted by University College London where it pointed out that Mexico leads the 10 countries with the highest proportions of deaths attributable to air pollution from the burning of fossil fuels

¹⁵⁹⁴ WHO. [Shortages of personal protective equipment endanger health workers around the world](#). March 3, 2020.; See FLACSO, [The COVID-19 pandemic: the right to health in tension. A qualitative exploratory study in Chile, Colombia, Costa Rica and Mexico](#). Presented to REDESCA on October 11, 2021

¹⁵⁹⁵ FLACSO, [The COVID-19 pandemic: the right to health in tension. A qualitative exploratory study in Chile, Colombia, Costa Rica and Mexico](#). Presented to REDESCA on October 11, 2021, p.- 151

¹⁵⁹⁶ DW [Mexico develops its own vaccine](#), April 17, 2021.

¹⁵⁹⁷ ADN40, [30% of the "Patria" vaccine will go to countries that need it: AMLO](#), 21 May 2021.

¹⁵⁹⁸ IACHR, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

in Latin America, with 10.7%.¹⁵⁹⁹ In Mexico, with data from 2019, about 17,800 deaths would be attributable to poor air quality, according to the Institute for Health Assessment and Metrics.¹⁶⁰⁰

1136. On the other hand, the REDESCA notes that, within the framework of the trade negotiations between Canada and Mexico, it received a request to reduce its polluting emissions, since it has been working on the development of joint environmental plans that could include penalties for countries with deficient climate laws. ECLAC has reported that, in Latin America, Mexico is the country with the most Greenhouse Gas emissions from the energy sector; specifically, Mexico emitted 495 million tons of carbon dioxide equivalent according to the most recent data from 2018. Similarly, it was highlighted that, by components of the energy sector, Mexico is also the country with the highest pollutant emissions from electricity in the region by 193.2 MtCO_{2e}.¹⁶⁰¹¹⁶⁰²

1137. In this sense, the REDESCA is concerned that, according to the National Inventory of Emissions of Greenhouse Gases and Compounds for the period 1990 to 2019 of the National Institute of Ecology and Climate Change, Mexico was positioned as one of the 13 most polluting countries in the world. In this regard, the Office of the Special Rapporteur has noted information from civil organizations that have documented that climate change seriously affects many communities in the country, due to the high vulnerability of Mexican territory to this phenomenon, either on the coast or in the center of the country, where some of its inhabitants have taken action to mitigate and combat its effects. They also stressed that today, to face the climate crisis, there are communities that take them into their own hands because of the need to adapt to an increasingly adverse context, but it is necessary that this becomes a State policy, which allocates the necessary public resources to protect its population and not to accelerate the climate crisis.¹⁶⁰³¹⁶⁰⁴

1138. Similarly, the REDESCA takes note of the request made by the WHO, which urges the State to move as soon as possible towards clean energy, make the most of solar energy and leave behind the dependence on fossil fuels to avoid premature deaths of Mexicans due to air pollution. It should be noted that this call occurs in a context where millions of deaths have been counted that are directly related to air pollution, since 13 people die every minute from air pollution in the country.¹⁶⁰⁵

1139. In this regard, the REDESCA also notes that, in the context of the climate crisis, one of the elements taken into consideration is the risk of water availability, while demand for consumption increased; because climate change modifies the patterns of precipitation, humidity, and runoff. In general, the increase in temperature will result in an increase in the demand for water. Therefore,

¹⁵⁹⁹ BBC World, Pollution that causes 1 in 5 deaths in the world (and which latin american countries are most affected), 10 February 2021.

¹⁶⁰⁰ Forbes Mexico, [Pemex, third place among the most risky oil companies for the environment](#), June 11, 2021.

¹⁶⁰¹ The Financier, [Canada believes Mexico must be pressured to reduce its emissions](#), February 24, 2021.

¹⁶⁰² Business Leader, [Mexico is the most polluting country in the energy sector in Latin America: ECLAC](#), October 18, 2021.

¹⁶⁰³ National Institute of Ecology and Climate Change, [INECC presents the National Inventory](#), 1 October 2021; Dna 40, [Mexico among the 13 most polluting countries in the world](#), October 4, 2021.

¹⁶⁰⁴ Millennium [Climate change is already in Mexico and affects the most vulnerable: Greenpeace](#), October 6, 2021.

¹⁶⁰⁵ Tomorrow, [Mexico must move to clean energy](#), October 12, 2021.

the Office of the Special Rapporteur takes careful note of a study prepared by the National Water Commission (Conagua) in 2019, which specifies that more than 80% of 95 monitoring sites for surface water quality in the state of Puebla, which includes rivers, basins and dams, are at red lights due to "strong pollution" and "pollution" caused by the presence of high concentrations of heavy metals, toxic chemicals and fecal matter.¹⁶⁰⁶¹⁶⁰⁷

1140. Similarly, figures from the National Institute of Statistics and Geography (Inegi) confirmed that only a third of the homes (471,226) receive water daily; 302,709, every third day; 259,200, twice a week; 222,851, once a week; 92,005, from time to time, and more than 170,352 households do not receive water. This situation is particularly exacerbated in rural communities, since there is no frequent water supply, which people drink the liquid from waterwheels whose arsenic concentrations reach up to 500 micrograms of arsenic per liter and since there are no filters, they are drinking contaminated water.¹⁶⁰⁸¹⁶⁰⁹

1141. In this context, the REDESCA welcomes the initiatives promoted by the State for the updating of the technical standard NOM-001-SEMARNAT-2021. Some of the major updates have to do with releasing first-use water for activities such as cleaning and irrigation; as well as reducing water pressure and overexploitation of aquifers, in addition to preventing pollution of water bodies and diarrheal diseases, so the challenge will be to apply it. In the same vein, the REDESCA also welcomes that the implementation of the Healthy Water for the Lagoon Program, which aims to guarantee access to water and the right to health in Northern Mexico, in addition to helping to recover natural water collection and treat it, will also strengthen the country's food security, where sorghum and fodder maize, cotton, alfalfa and walnut are grown; without affecting agricultural irrigation.¹⁶¹⁰¹⁶¹¹

1142. Importantly, Mexico has faced in 2021 one of the most severe and widespread droughts in decades. More than 50 million people experience some form of shortage, according to scientific researchers from inside and outside Mexico. Specifically, in Mexico between 12.5 and 15 million inhabitants do not have access to drinking water, this represents approximately 10% of the population, however, among those who do access, almost 30% do not have sufficient quantity or quality. On the other hand, it is relevant that Mexico is one of the 25 countries in the world that faces the greatest water stress, according to the World Resources Institute.¹⁶¹²

1143. The REDESCA has received information on the problems of hydraulic infrastructure and the scarce sanitation network that exacerbate the water problems in the country, according to the Mexican Institute of Water Technology, it will take more than 20 years to achieve sustainability

¹⁶⁰⁶ ECLAC, [The emergence of climate change in Latin America and the Caribbean](#), L.C./PUB.2019/23-P, 2020, pp. 82-83

¹⁶⁰⁷ The Day of the East, [At red light, 80% of rivers, basins and dams of Puebla due to "strong pollution": Conagua](#), March 22, 2021.

¹⁶⁰⁸ Millennium [Laguneros continue to drink water with arsenic](#), May 24, 2021.

¹⁶⁰⁹ Ditto.

¹⁶¹⁰ Angle 7, [Semarnat seeks to avoid water pollution in Mexico with NOM 001](#), September 23, 2021.

¹⁶¹¹ MSN News, [Healthy Water for La Laguna, health and sustainability in northern Mexico: Maribel Aguilera](#), September 24, 2021.

¹⁶¹² CNN [10 figures to understand the water problem in Mexico](#), October 12, 2021.

and water security in Mexico. In particular, in 14 states of the country there are significant delays in daily access to water and sanitation services, this translates into a total of 10 million people who do not have access to water.¹⁶¹³

1144. Taking into consideration this framework, the Office of the Special Rapporteur states that the right to life, food, housing, health, water, and a healthy environment are being and will be increasingly impacted by the climate emergency, causing an unprecedented social crisis, which also adds to that generated by the pandemic. Particularly in the context of Mexico, the REDESCA is concerned that, given the high rates of lack of water supply in several parts of the country, this may be exacerbated by the increase in temperatures, putting at risk the guarantee of rights and the possibility of having a dignified life for millions of people.¹⁶¹⁴

1145. For its part, the REDESCA notes with concern that the Ministry of the Environment and Natural Resources (Semarnat), has confirmed the existence of more than thirty environmental conflicts of "urgent" attention. The list mentions "conflicts addressed" but not necessarily resolved, such as the water management of the Zapotec peoples, in the Central Valleys of Oaxaca, the Zapotillo Dam, in Jalisco, the Constellation Brands brewery and the extinction of the Vaquita Marina, Baja California; Laguna de Zempoala National Park and the Morelos Integral Project, Morelos; Montes Azules, Chiapas; Puerto de Lázaro Cárdenas and Pátzcuaro, Michoacán; Los Pilar Dam, and the pollution of the Sonora River, Sonora; Presa Endhó, Hidalgo; the mining company La Pitahaya, Baja California Sur.¹⁶¹⁵

1146. These include the situation of the Yaqui people in the state of Sonora, who have been affected in their way of life for several reasons, including the lack of access to basic infrastructure for water and sanitation. This has been aggravated by the lack of effective attention from the State, coupled with violent acts such as homicides, disappearances and other acts of intimidation against those who decide to protest the current situation. Additionally, the REDESCA is concerned that the protection of aquifers and other water sources in the sector is not effective, even as representatives of the people pointed out that some of these places have been designated as RAMSAR sites and have additional protection.¹⁶¹⁶¹⁶¹⁷

1147. The Office of the Special Rapporteur expresses its concern about the general situation of defenders of land, territory, and nature in Mexico. The testimonies collected show a high rate of danger for people who practice this profession, especially when the information collected by civil society mostly the type of aggressor agent is not identified or it would be the State itself. The REDESCA has received information from civil organizations that claim that Mexico is considered the third most dangerous country in Latin America for defenders of the rights to territory, land

¹⁶¹³ Forbes [Scarce infrastructure and sanitation exacerbate water problems in Mexico](#), October 18, 2021.

¹⁶¹⁴ IACHR, In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions., November 4, 2021

¹⁶¹⁵ ECLAC, [Greenhouse gas emissions from the energy sector, ECLAC](#), updated as of August 27, 2021; Counterline, [In Mexico, more than 30 environmental conflicts require "urgent" attention](#), April 22, 2021.

¹⁶¹⁶ REDESCA, Meeting with representatives of the Yaqui People, July 21, 2021

¹⁶¹⁷ REDESCA, Meeting with representatives of the Yaqui People, July 21, 2021

and the environment, since they, together with indigenous leaders, constantly face risks such as death threats, harassment and violent attacks in their homes or workplaces.¹⁶¹⁸¹⁶¹⁹

1148. Thus, the REDESCA urges the State to take urgent measures to provide effective protection to land and territory defenders, considering their vital role for the climate actions that can be carried out. The REDESCA recalls that it is imperative that special recognition and protection should be given to its work and activities in the defense of human rights, considering them fundamental for the strengthening of democracy and the rule of law. The contribution that these actors make in the observance of human rights through environmental protection must be valued very explicitly, reiterating the essential role they play within States in the fight against climate change and environmental degradation.¹⁶²⁰

1149. Finally, the REDESCA reminds Mexico that it has ratified the Escazú Agreement and therefore reiterates that this instrument reinforces principles and obligations established in inter-American regulations and jurisprudence on the right to a healthy environment, emphasizing the need to guarantee the so-called "access rights" to ensure their validity, such as the effective protection of people's right to defend the environment.¹⁶²¹

C. Business and Human Rights

1150. With regard to the field of business and human rights, the Office of the Special Rapporteur notes that Mexican companies such as Aeromexico, Grupo Bimbo, Grupo Modelo, and CEMEX are leading environmental sustainability actions. The Mexican airline joined the culture of replacing single-use plastics on board, which managed to stop using 1.1 million plastic bags. With its Vuela Verde program, the airline invites its customers and collaborators to make a contribution of \$ 35.00 when purchasing their flight, the proceeds go to programs that help reduce greenhouse gas emissions.¹⁶²²

1151. For its part, Grupo Bimbo has 99 wastewater treatment plants, which reused 76% of the treated water last year. In addition, 73 of its work centers maintain rainwater harvesting systems that they subsequently store and use. The Mexican brewer was one of the promoters of the "Desplastificate" campaign, with which they reinforce the protection of the oceans and promote the largest movement worldwide to clean them up. CEMEX has implemented conservation programs in eight countries, provides environmental education on habitat and biodiversity conservation, and operates 26 certified preservation projects. They recently announced that, in

¹⁶¹⁸ CEMDA, [Attacks against environmental defenders in Mexico during 2020](#), 2021, p. 29

¹⁶¹⁹ Millennium [Mexico faces obstacles to achieving inclusive growth and sustainable development: OECD](#), September 23, 2021.

¹⁶²⁰ IACHR, In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions., November 4, 2021;

¹⁶²¹ IACHR, On Earth Day, IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency, April 22, 2021

¹⁶²² Forbes Mexico, [Earth Day | 4 Mexican companies and their actions in favor of the environment](#), April 22, 2021.

- 2020, 19% of their electricity came from wind farms as part of their transition to clean energy sources.¹⁶²³
1152. On the other hand, the REDESCA also notes with concern that the public company Petróleos Mexicanos (PEMEX), has been rated as one of the most polluting oil companies in the world. According to a report published by a research entity, it is stated that it is one of the five oil companies with the most severe risks in terms of esG sustainability metrics.¹⁶²⁴
1153. The Office of the Special Rapporteur notes that the evaluation found six "troubling" risks in Pemex's operation, specifically focused on the case of the Tula refinery in Hidalgo. The first is the environmental or atmospheric, because only between 2018 and 2019, Pemex Industrial Transformation, which operates the six refineries in the country, reported increases of 32% in the emission of carbon dioxide, the main greenhouse gas, and 69% in sulfur oxides, the main cause of acid rain and lung diseases. Additionally, the study also identified poverty, the production of polluting fuels, the health emergency and the lack of concrete ecological rescue actions in the area as other serious issues that the company has not given attention.¹⁶²⁵
1154. Finally, the REDESCA expresses its concern regarding the issuance of an Executive Agreement of November 22, 2021 in which its first article indicates that: "It is declared of public interest and national security the realization of projects and works by the Government of Mexico associated with infrastructure of the communications sectors, telecommunications, customs, border, hydraulic, water, environment, tourism, health, railways, railways in all their energy modalities, ports, airports and those that, due to their object, characteristics, nature, complexity and magnitude, are considered priorities and / or strategic for national development."¹⁶²⁶
1155. According to the executive, the agreement has as an additional objective to streamline the procedures between State institutions, to set a period of five days in order to obtain permits or licenses necessary to carry out the works. However, the REDESCA notes that civil society has expressed its concern about the consequences that this declaration could have on the possibility of challenging the development of these projects, as well as the limitations that could exist around the right of access to information.¹⁶²⁷
1156. The REDESCA takes note of the issuance of this decree and reminds the State that, in the context of the development of infrastructure projects, the general obligations of respect for and guarantee of human rights must always be observed in these contexts. Particularly, if such projects can threaten the integrity, health or life of people, as well as the health of ecosystems or nature. In this regard, the REDESCA takes note of the suspension granted by the Supreme Court of Justice of the country to the decree, which was requested by the National Institute of Transparency, Access

¹⁶²³ Idem

¹⁶²⁴ The Financier, [Pemex 'fails' in fight against climate change](#), June 9, 2021.

¹⁶²⁵ Ditto.

¹⁶²⁶ Government of Mexico, [Agreement instructing the dependencies and entities of the Federal Public Administration to carry out the actions indicated, in relation to the projects and works of the Government of Mexico considered of public interest and national security, as well as priority and strategic for national development](#), November 22, 2021

¹⁶²⁷ Swissinfo, [Government of Mexico legally shields its mega-works by declaring them "national security"](#), November 23, 2021

to Information and Protection of Personal Data (INAI). According to the ruling, it is indicated that all the effects and consequences of the contested agreement that result in cataloguing the information detailed in it as of public interest and / or national security are suspended, without complying with the assumptions that the respective laws provide for that purpose.¹⁶²⁸

1157. Along the same lines, the REDESCA notes with concern that the processes to execute the project called "Mayan Train". According to civil society, the project crosses 5 states of the Republic, which would have 18 stations. Also, part of the planning is the construction of new cities and other "development poles", such as industrial parks. According to testimonies received by the Office of the Special Rapporteur, there is no complete opposition to the project as such, as it would be a benefit for mobility in the sector. However, they claim that the methodology and approach by the State violates the rights of the ejidos and other towns that are already in the territory. In particular, civil society claims that expropriation processes that give way to train tracks do not have legitimate expropriation processes and people would simply be forced to leave their homes without any culturally appropriate alternative.¹⁶²⁹¹⁶³⁰

1158. In summary, the Office of the Special Rapporteur notes that this bill would seek to be executed in any way, since the information received highlights that there are cases of harassment and harassment by security forces against residents who seek to claim their rights. The REDESCA even received information of possible deaths associated with these activities, taking special note of the death of a young man in the Ejido Samuel in Campeche. As far as is known, the State has not opened any investigation, despite the existence of a complaint filed by the relatives of the person who died.¹⁶³¹

1159. In this regard, the Office of the Special Rapporteur points out that in the event that it is necessary to adopt a decision to reform specific environmental standards, those decisions must respect both the procedural and substantive elements of human rights. All decisions should be taken in a transparent manner, with broad public participation and providing access to justice for the individuals, communities and other organizations concerned. Along these lines, the REDESCA highlights that a crucial aspect of public participation is the protection of environmental human rights defenders. It is therefore essential that the State adopt all appropriate measures, so that the present text of the agreement is not a detriment to the protection of environmental human rights defenders and the prompt investigation and prosecution of those responsible for threats or acts of violence against such persons.

D. Labor and Trade Union Rights

1160. Regarding the field of labor and trade union rights in the country, the REDESCA is aware of the significant progress in efforts to eliminate the worst forms of child labor in Mexico, although the above is relevant, it cannot be ignored that at present there are still 3.1 million children in child

¹⁶²⁸ Political Animal, [Court agrees with INAI and suspends AMLO agreement that classified public works information](#), December 14, 2021

¹⁶²⁹ REDESCA, Meeting with Civil Society Organizations of Mexico, June 10, 2021

¹⁶³⁰ REDESCA, Meeting with Civil Society Organizations of Mexico, June 10, 2021

¹⁶³¹ REDESCA, Meeting with Civil Society Organizations of Mexico, June 10, 2021

- labor, figures that place Mexico as the second country in Latin America and the Caribbean with the highest number of child labor.¹⁶³²
1161. On the other hand, the REDESCA has managed to identify important efforts that have been made by the Mexican authorities, in particular, the Mexican Social Security Institute, as it seeks to implement a pilot program where at least 500,000 workers of digital platforms will be insured, this will undoubtedly change labor relations and promote actions by other State authorities in order to update Mexican labor legislation.¹⁶³³
1162. Regarding the general employment situation in the country, the Office of the Special Rapporteur notes that, in 2020, Mexico lost about 647,710 formal jobs registered with the Mexican Social Security Institute (IMSS). Of the total jobs lost in 2020, 86% were permanent positions (560,473) and 14% were casual positions (87,237). This is the worst employment figure on record. The Bank of Mexico (Banxico) anticipated the destruction of between 700,000 and 850,000 formal jobs due to the pandemic.¹⁶³⁴
1163. Additionally, the Office of the Special Rapporteur also highlights that according to figures published by the National Institute of Statistics and Geography (Inegi) for the first quarter of the year, the coronavirus crisis has left Mexico with fewer and worse jobs. A year after the start of the pandemic, there are still 2.1 million jobs to be recovered, of which women represent 71% of the people who have not yet returned to work.¹⁶³⁵
1164. Next, the REDESCA observes that, according to public information, in the first quarter of the year, the active population, which is employed or looking for a job, registers a decrease of 1.6 million people, that is, some workers have chosen to leave the labor market, registering a reduction from 55.1 to 53 million people. Thus, the unemployment rate in Mexico stood at 4.7% of the economically active population (EAP) in January 2021, but Inegi warned that about 3 million of the 12 million people who left the market in April have yet to return to the labor force.¹⁶³⁶
1165. Additionally, in relation to fair, safe and equitable working conditions, the mandate received information indicating that precarious jobs, following the COVID-19 crisis, have recovered faster, in contrast to those that offer a higher salary or better working conditions, indicated the latest research of the Espinosa Yglesias Study Center (CEEY). In that sense, the study also pointed out that the segment of the population that was most affected was those with middle-income jobs and, although some have recovered their jobs, they have done so with lower wages.¹⁶³⁷
1166. The REDESCA welcomes the efforts that the State is making to eradicate child labor, as well as other projects to reduce the social gaps produced by the pandemic and prior to the health crisis. However, it expresses its concern at the rates of underemployment and the lack of guarantee of

¹⁶³² The Economist, [Mexico, with "outstanding" in the tasks to eradicate child and forced labor](#), 29 September 2021.

¹⁶³³ The Economist, [500,000 couriers and drivers of Didi, Uber and Rappi, IMSS membership goal](#), October 10, 2021.

¹⁶³⁴ Expansion [2020 was the worst year for formal employment in Mexico](#), January 12, 2021.

¹⁶³⁵ The Country, [Seven out of 10 unemployed due to the pandemic in Mexico are women](#), May 17, 2021.

¹⁶³⁶ Forbes Mexico, [Mexico recovers more than 115,000 formal jobs in February: IMSS](#), March 12, 2021.

¹⁶³⁷ The Economist, [Precarious jobs recover faster than higher-paying ones](#), April 27, 2021.

fair and equitable conditions of work that may result. It therefore urges the State to take measures focused on guaranteeing the labor rights and social protection of all people, particularly those in vulnerable situations.

E. Fiscal and Economic Policies

1167. With regard to fiscal policies and their impacts on the enjoyment and enjoyment of human rights, in particular ESCER, the Office of the Special Rapporteur takes note of the social situation facing the country. In this regard, according to OXFAM, Mexico is among the 25% of the countries with the highest levels of inequality in the world. The gaps between rich and poor are so marked that the richest man in Latin America lives in the country along with more than 50 million poor people.¹⁶³⁸

1168. For its part, the REDESCA is aware that, according to the IMF, although the country's economy is recovering at a growth of 4% by 2022, the country is bearing a high human, social and economic cost. According to data from the international organization, underemployment remains above the maximum reached during the global financial crisis; more than 41/2 million more people are unemployed, underemployed or willing to work than before the pandemic. Poverty levels, which were already high, have risen further. Young people face significant losses in terms of learning, with potentially detrimental long-term effects.¹⁶³⁹

1169. Similarly, the IMF also stressed that in order for the State to guarantee sustainable social investment, a progressive tax reform is necessary. Therefore, for the Fund there is ample scope to raise the collection of non-oil revenues, which before the pandemic were almost 6% lower than those of comparable countries in Latin America and approximately half that of OECD countries. According to the agency, this reform could be presented gradually in the medium term as the economy takes hold, with the aim of raising approximately 3-4 percent of GDP, for which efforts must also continue to be made to further strengthen the tax administration. Along these lines, the REDESCA is aware that the combination of these reforms with an increase in social assistance will help to underpin social stability and improve the levels of people living in poverty and extreme poverty.¹⁶⁴⁰

1170. In this sense, the REDESCA takes note of the fiscal reform that is currently under debate in the country's legislative branch. The objective of this reform, according to government spokesmen, would be to keep public finances healthy, improve the energy sector and promote development banking. All this occurs in a context where Mexico's tax collection is 14% of GDP, which would be the lowest of the OECD countries and also lower than the average of Latin America.¹⁶⁴¹¹⁶⁴²

¹⁶³⁸ OXFAM, [Fair Mexico: Public Policies Against Inequality](#)

¹⁶³⁹ IMF [Mexico: Statement by Technical Staff at the End of the Article IV Mission for 2021](#), 8 October 2021

¹⁶⁴⁰ IMF [Mexico: Statement by Technical Staff at the End of the Article IV Mission for 2021](#), 8 October 2021

¹⁶⁴¹ The country, [Tax reform moves away from López Obrador's agenda](#), 22 October 2021

¹⁶⁴² Idem

1171. In general, according to the State, the main proposals would be: 37 reforms to the Income Tax Law, 3 to the VAT Law, 3 to the Law on the Special Tax on Products and Services (IEPS), to the Federal Law on Taxes on New Cars and 32 reforms to the Fiscal Code of the Federation.¹⁶⁴³

1172. The REDESCA urges the State that in the treatment of the reforms that are going to be carried out to the fiscal system, the protection and guarantee of human rights be placed as the central axis. In this sense, any proposal for tax reform should be oriented towards the efficient increase of tax collection, which is given in a transparent manner, with effective social participation and in a broadly democratic context. In the same way, this reform should be oriented towards the reduction of existing social gaps and allow guaranteeing the sustainable financing of the State in order to guarantee the rights of all people.

F. Education, science, technology: academic freedom and university autonomy

1173. In Mexico, as in most countries in the region, the pandemic meant a lag in early childhood education. As a result of health restrictions, and in favor of children's health, classes had to be migrated to a virtual format. However, this translates into the lack of internet access by a large percentage of students, increasing the numbers in the country's educational crisis.

1174. According to a 2020 survey by the Universidad Iberoamericana and UNESCO, in Mexico, 78.6 percent of people reported difficulties in continuing with the education of children and adolescents at home, for any of the following reasons: 48.5 percent due to lack of computer and internet and 31.4 percent due to lack of support from teachers.¹⁶⁴⁴

1175. 63 million people between the ages of 16 and 65, equivalent to half the population, lack a level of basic digital skills, which translates into digital illiteracy. This has led to one in four students contemplating the possibility of dropping out of school, at different educational levels, regardless of whether it is primary, secondary or upper secondary, according to the sample of the research Educate in contingency, by the Universidad Iberoamericana Ciudad de México.¹⁶⁴⁵

1176. Of that one in four, 75% is due to issues directly related to the Covid-19 pandemic, whether economic, socio-emotional, among others. Students and teachers said the most important connection platform they used was WhatsApp. In terms of connectivity between students and teachers, only 35% of teachers managed to communicate with the majority of students. And regarding connection speed, only 7% of those who participated in the survey met the standards of the Federal Trade Commission (FTC, for its acronym in English) for remote work by these means.¹⁶⁴⁶¹⁶⁴⁷

1177. Finally, the REDESCA expresses its deep concern over the investigation initiated by the Attorney General's Office (FGR) against 31 academics belonging to the AC Scientific and

¹⁶⁴³ Taxpayer Defense Attorney's Office, [Relevant aspects of the initiative that reforms, adds and repeals various provisions of the Income Tax Law, the Value Added Tax Law, the Production and Services Tax Law, the Federal Law on New Car Tax, the Fiscal Code of the Federation and other regulations](#), 2021

¹⁶⁴⁴ Millennium [Due to lack of internet, 1 in 4 students does not have access to distance education](#), 8 February 2021.

¹⁶⁴⁵ Forbes Mexico, [How to promote virtual education in a country with 63 million digital illiterates?](#) February 10, 2021.

¹⁶⁴⁶ The Economist, [One in four students in Mexico plan to leave school: Ibero](#), April 20, 2021.

¹⁶⁴⁷ Ditto.

Technological Consultative Forum for the alleged crimes of organized crime, illicit enrichment and embezzlement, which has been rejected by various professors of universities, both national and international, considering it disproportionate and of a political nature.¹⁶⁴⁸

1178. Specifically, the REDESCA notes with attention that the accusation of the FGR refers to the fact that the people who are part of the Forum would have created an alleged criminal organization made up of former members of the National Council of Science and Technology (CONACYT), as well as former employees of the Board of Directors of the Forum, to transfer resources from CONACYT to the forum illegally. Given these allegations, the Office of the Special Rapporteur observes that the accused persons would have clarified that all the transfers that were made were made based on current regulations as part of the investigations that were carried out and presented positive balances in their management.¹⁶⁴⁹¹⁶⁵⁰
1179. Taking into consideration the above, the REDESCA shares the concern expressed by civil society organizations at the insistence on the requests for arrest warrants against the investigators by the FGR, taking into account that they have been rejected twice by the courts and that the investigators claim to have complied with all the requirements of economic control before CONACYT. It is also worrying that it has been reported that the persons under investigation were not properly informed of the reasons why they were being investigated but learned about it from complaints leaked on social networks about the request for the arrest warrant.¹⁶⁵¹¹⁶⁵²
1180. Given the above, the REDESCA reiterates the importance of academic institutions in the construction of plural, democratic and diverse States. Therefore, it is essential that the free exercise of the investigation be guaranteed, being the criminal or punitive law used as a last resort, analyzing with special caution, the fraud, the characteristics of the damage caused and other elements that show the need to use the criminal system.¹⁶⁵³

G. Human Mobility and ESCER

1181. In relation to human mobility and the guarantee of ESCER, the Office of the Special Rapporteur notes that, according to figures from the Migration Policy Unit, Registry of Identity of Persons of the Undersecretariat of Human Rights, Population and Migration of the Ministry of the Interior of Mexico, from January to November 2020, 80,926 migrants who entered Mexico irregularly would have been detected. Of the total number of migrants returned by Mexico (50,470), the vast majority, 48,346 (96%), returned to their place of origin through an assisted return and 2,124 (4%) were deported. Migrants from Honduras (49.1%), Guatemala (39.4%) and El Salvador

¹⁶⁴⁸ Aula Abierta, Executive Summary: Persecution and Censorship Against Researchers and Academics in Mexico, August-October 2021, REDESCA Archive

¹⁶⁴⁹ Article 19, [Irrational criminal prosecution of FGR, criminalizes academic freedom](#), 24 September 2021

¹⁶⁵⁰ Aula Abierta, Executive Summary: Persecution and Censorship Against Researchers and Academics in Mexico, August-October 2021, REDESCA Archive

¹⁶⁵¹ Aula Abierta, Executive Summary: Persecution and Censorship Against Researchers and Academics in Mexico, August-October 2021, REDESCA Archive

¹⁶⁵² Idem

¹⁶⁵³ IACHR, Inter-American Principles on Academic Freedom and University Autonomy, December 2021

- (7.3%) accounted for the highest number of deportations from Mexico. Meanwhile, as of last November, 36,454 foreigners had applied for refuge in Mexico.¹⁶⁵⁴
1182. Along these lines, the REDESCA recalls what was expressed in the preliminary observations to the virtual working visit to Mexico on people in situations of human mobility. In them, the REDESCA took note of the initiatives of the Ministry of Labor and Social Welfare to implement programs through the National Employment Service. This, in order to provide job options to people who are in a situation of mobility. Along the same lines, the State reported that in order for these people to access the labor market and financial services, the issuance of a provisional document was authorized to obtain their federal taxpayer registry and unique population registry key.¹⁶⁵⁵
1183. On the other hand, civil society organizations pointed out that migrants, asylum seekers, people under the "Stay in Mexico" program, and even permanent residents, would be facing attitudes of xenophobia and rejection in public health institutions. In the context of the pandemic, people on the move would have faced restrictions on access to health services and goods, including those related to sexual and reproductive health, prenatal care and childbirth, such as access to antiretrovirals for people with HIV. Added to this is the lack of food, access to education services and decent shelter conditions in integration or detention centers.¹⁶⁵⁶
1184. In relation to protection against COVID-19 on the way, the REDESCA highlights that according to a group of Mexican journalists discovered through requests for information that the authorities had only carried out 78 Covid-19 tests on the more than 40,000 migrants detained since the pandemic began. Almost all of the tests came back positive, although authorities had claimed there were no cases of Covid-19 in immigration detention facilities. Since the beginning of the pandemic, Mexico's National Human Rights Commission has conducted random visits to six detention centers. Inspectors discovered that a Salvadoran man who was detained for nearly two months died of Covid-19 and that officials had failed to provide him with adequate medical care. Staff at these centres informed them of suspected and confirmed cases of Covid-19 while authorities claimed there were no cases.¹⁶⁵⁷¹⁶⁵⁸
1185. In addition, the REDESCA expresses its concern at the generalized situation of danger and harassment that people in a situation of mobility encounter. For example, 19 bodies were reported to have been found in an uninhabited area near the U.S. border, who later declared that they were Guatemalan migrants. Reynosa, in the Mexican state of Tamaulipas, which borders Texas, is the

¹⁶⁵⁴ The Economist, [The pandemic is not an obstacle to migration through Mexico](#), January 6, 2021.

¹⁶⁵⁵ IACHR, [Preliminary Observations of the virtual working visit to Mexico, on people in a situation of human mobility](#), 12 February 2021

¹⁶⁵⁶ IACHR, [Preliminary Observations of the virtual working visit to Mexico, on people in a situation of human mobility](#), 12 February 2021

¹⁶⁵⁷ Human Rights Watch, [Mexico cannot resolve the situation at the U.S. border](#), June 14, 2021.

¹⁶⁵⁸ Idem

- scene of struggles between different factions of the Gulf Cartel that fight for control of the territory, but the entire state of Tamaulipas is plagued by violence linked to organized crime. ¹⁶⁵⁹¹⁶⁶⁰
1186. For its part, the Office of the Special Rapporteur takes note of the Human Rights Watch report, which states that migrants from Venezuela claimed to be victims of harassment by police, migration agents, or criminal organizations. ¹⁶⁶¹
1187. Given the present context, the REDESCA notes its alarm in relation to other events that account for the difficulties faced by people in a situation of mobility to reach their destination and the lack of guarantees to ensure their dignity on the route. Along these lines, the mandate learned that more than 300 Central American migrants, in overcrowded conditions, were found in three trucks in southern Mexico, of which 114 were unaccompanied minors; all from Guatemala and Honduras, who could not verify their status as a regular stay in Mexico. Unaccompanied minors and people in families were placed under the guardianship of the System for the Integral Development of the Family (DIF), while adults were sent to the Cupapé migratory station to "begin their administrative immigration procedure." The INM said that between January 1 and last Thursday they had identified 4,180 accompanied and unaccompanied children and adolescents, who were traveling irregularly through Mexican territory. He added that supposed "guides" take them to the United States. ¹⁶⁶²
1188. Additionally, the REDESCA also notes that according to Inmujeres recognizes lack of guarantees for migrant women in Mexico, in the country the transit of migrant women is a constant, from January to March 2021, the Migration Policy Unit of the Ministry of the Interior (Segob) registered 117 thousand 52 foreigners before the migration authorities, of which 24 percent were women and 7 percent girls. Likewise, this institution stressed that guaranteeing the security and human rights of women of all ages who migrate is one of the most important issues in the country. ¹⁶⁶³
1189. The REDESCA is concerned that in this context the response by the States comes from a national security perspective, as indicated by the fact that Mexico and the United States agreed to take off 10,000 Mexican agents on the southern border of the country, to stop the entry of irregular migrants to Mexico, and to the United States. The U.S. government said it negotiated this agreement with representatives of Mexico, Guatemala and Honduras, countries that "committed to increasing security" at their respective borders. ¹⁶⁶⁴
1190. In this regard, the REDESCA recalls that the IACHR condemned the excessive use of force against people who were part of migrant caravans formed during August and September in the

¹⁶⁵⁹ BBC News, [Tamaulipas: The bodies of 19 people killed in northeastern Mexico are found burned](#), January 24, 2021.

¹⁶⁶⁰ AP News, [6 bodies found in border city in northeastern Mexico](#), March 3, 2021.

¹⁶⁶¹ The Country, [Venezuelan migrants denounce rape in Mexico: "I don't know what's worse, whether to be here or in Venezuela"](#) March 5, 2021.

¹⁶⁶² CNN Latin America, [More than 300 migrants are found in Mexico crammed into trucks; 114 were unaccompanied minors](#), March 21, 2021.

¹⁶⁶³ Counterline, [Inmujeres acknowledges lack of guarantees for migrant women](#), September 25, 2021.

¹⁶⁶⁴ Expansion [Mexico Agrees with U.S. to Deploy 10,000 Agents to Stop Migrants](#), April 12, 2021.

state of Chiapas and urged the Government of Mexico to investigate these facts ex officio and take the necessary measures to avoid the repetition of these events. Likewise, the IACHR asked for full reparation for the damage to the victims of these human rights violations derived from these events in southern Mexico. The IACHR also noted with concern that these attacks were allegedly committed against families and adults accompanied by children and adolescents, and that it received reports that people expelled to Guatemala received electric taps in order to force them to board buses.¹⁶⁶⁵

1191. The REDESCA recommends that the State of Mexico increase its efforts to address human mobility from a human rights perspective, seeking to generate national and regional public policies that emphasize the causes of mobility, as well as the guarantee of ESCER for people in human mobility.

¹⁶⁶⁵ IACHR, [The IACHR Condemns the Use of Force Against the Population on the Move in Mexico, and Calls on the State to Investigate the Facts and Prevent Their Repetition](#), 27 September 2021

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1192. In relation to the situation of the guarantee of ESCER in Nicaragua, the REDESCA has been carrying out a careful follow-up especially in the context of the social and political crisis that the country has been going through since 2018. Along these lines, the Office of the Special Rapporteur has paid special attention to the situation of workers in the health sector, who have especially suffered a disproportionate impact in recent times. Both because of the widespread impact of the pandemic, as well as because of the acts of harassment, harassment and intimidation that have been perpetrated by agents of the State. For its part, the REDESCA continues to monitor the other issues contemplated by the mandate, particularly the situation of academic freedom, student leaders, human mobility in relation to ESCER and the impacts of climate change on human rights.

A. Right to Health and its Social Determinants

1193. The REDESCA has been carrying out an exhaustive follow-up to the situation of the ESCER in Nicaragua, especially in the context of the pandemic, as well as in the context of the political and social crisis affecting the country. Regarding the guarantee of the right to health, the REDESCA expresses its concern about the situation of the general management of the pandemic by the authorities. Regarding the general figures of the pandemic, according to information ¹⁶⁶⁶from the MINSA (Ministry of Health) as of July 6, 2021, there would be a total of 6,819 people infected with COVID-19, and a mortality of only 192 people. ¹⁶⁶⁷ For its part, information that was provided by the Multidisciplinary Scientific Committee, there would be a mortality rate of 144 x 100,000 inhabitants, indicating an underreporting in all registered deaths. In conclusion, according to the Committee's figures, it would be around 7,800 deaths in excess of the regular average of deaths in the country. In this sense, according to the exchanges maintained with both the Nicaraguan Medical Unit (UMN) and the Scientific Committee, this may be due to several factors. On the one hand, it was reported that death records would not document deaths attributable to COVID-19 or simply would not be recording these deaths.¹⁶⁶⁸¹⁶⁶⁹

1194. In this regard, the Office of the Special Rapporteur is concerned about the situation of health personnel whose persecution, harassment, and attacks by State authorities had already been registered since April 2018 but have intensified in the context of the pandemic. Particularly, the REDESCA highlights that the CITIZEN OBSERVATORY COVID-19 and the Interdisciplinary Scientific Committee, highlighted that these facts have focused particularly on people who work in these spaces of articulation of civil society. This has been exacerbated by the use of intimidating or harassing practices through the use of criminal, labor or administrative law that have the effect of silencing or instilling fear in members of the medical and health profession. Such actions, in

¹⁶⁶⁶ Confidential [A year of pandemic in Nicaragua summarized in 12 key points](#), 18 March 2021

¹⁶⁶⁷ MINSA, [National Health Map](#)

¹⁶⁶⁸ REDESCA, Meeting with UMN, April 16, 2021; El Confidencial, [Nicaragua ranks third in the world for overmortality attributable to COVID-19](#), 7 April 2021; Financial Times, [Coronavirus tracker: the latest figures as countries fight the Covid-19 resurgence](#), August 20, 2021

¹⁶⁶⁹ REDESCA, Meeting with UMN, 16 April 2021

addition to affecting the well-being of the people who suffer from them, have a negative impact on the guild as a whole, and on the population that is served by such professionals.¹⁶⁷⁰¹⁶⁷¹

1195. In this sense, the REDESCA takes note of the role played by the Nicaraguan Medical Unit (UMN), which is constituted as a platform that brings together the majority of health professionals who were removed from their positions in public hospitals, for acting in accordance with their medical principles. The UMN has been in charge of trying to fill the gaps in public policies in relation to the pandemic, for example, in terms of adequately informing the population.¹⁶⁷² Likewise, the UMN has generated support networks for people who were forcibly removed from their posts, documenting the facts of harassment and harassment against people who are part of the health sector workforce. In particular, in their 2019 annual report, the IACHR and the REDESCA reported that the number of people separated from the health service amounts to 405 among doctors and health personnel who have been dismissed and 144 of students from public universities, including medical students who have been expelled from the faculty, persecuted and subjected to inhumane treatment for providing medical care to protesters injured during the crisis that began in April 2018.¹⁶⁷³

1196. For its part, during the pandemic, the UMN, considering the seriousness of this health crisis, made itself available to the government to provide technical support in the formulation of public policies to respond to it. However, despite the will of the union to collaborate with the State, acts of harassment, persecution and harassment against workers in the health sector have intensified. Given the lack of a general policy to prevent infections, health professionals promoted the implementation of biosecurity measures, demanded the delivery of personal protective equipment, refusing to falsify official documents regarding the causes of death that were registered during the beginning of the pandemic. This led to mass layoffs and in addition to the death of several workers in the sector, due to the lack of protection supplies.¹⁶⁷⁴

1197. Next, the REDESCA takes careful note that workers in the health sector are part of the groups most at risk of contracting this disease, since, as of October 13, 2021, according to figures from the Citizen Observatory, at least 1,375 health workers have been reported with symptoms associated with COVID-19 in all departments and autonomous regions of the country (in 85 municipalities). In the same way, a total of 223 accumulated deaths have been reported since the pandemic began, although this figure could be higher, according to organizations in the health sector.¹⁶⁷⁵

1198. On the other hand, the Office of the Special Rapporteur condemns the cancellation of the legal status of 24 civil society organizations, including medical unions of different specialties, decreed by the National Assembly on July 28. In the same vein, raids were registered on civil society

¹⁶⁷⁰ REDESCA, Meeting with UMN, 16 April 2021

¹⁶⁷¹ IACHR and REDESCA, The IACHR and its REDESCA Urge Nicaragua to Immediately Cease Harassment of the Medical Sector, 28 July 2021

¹⁶⁷² REDESCA, Working meeting with Civil Society, 7 July 2021

¹⁶⁷³ IACHR, Annual Report 2019: Chapter IV.B Nicaragua, para. 135

¹⁶⁷⁴ REDESCA, Meeting with UMN, April 16, 2021

¹⁶⁷⁵ IACHR, The IACHR and the REDESCA express their alarm at the scarcity of public information on the pandemic in Nicaragua, and urge the State to implement urgent health prevention measures with scientific support and a human rights approach, November 17, 2021

organizations working on issues related to the promotion of the right to health. Similarly, part of the acts registered against the UMN is the persecution against members of the organization, which led to the closure of its offices due to the constant sieges denounced.¹⁶⁷⁶¹⁶⁷⁷

1199. Similarly, the REDESCA expresses its concern at the testimonies received from members of the UMN pointing to the threat of administrative sanctions by the State, such as the suspension or removal of their licenses to practice the profession. In some cases, it has been indicated that failure to accept removal from the professional license would result in arrests. This has led to some people being forced into exile.¹⁶⁷⁸¹⁶⁷⁹

1200. In this context, the REDESCA highlights the situation of José Luis Julio Borgen, a member of the UMN, who was called to testify in relation to an investigation that the Public Ministry is carrying out against one of his patients, on July 13; José Luis Julio Borgen, Carlos Quany and Jorge Miranda were summoned to appear on a mandatory basis before the Health Regulation Directorate Chamber of the MINSAs, on July 22 and 26 respectively. In statements to the media, Borgen said that the authorities told him "that we must be careful with the statements and remember the Cybercrime Law", in addition, Miranda said he had been threatened with the suspension of his license and the possibility of being imprisoned for reporting on the pandemic.¹⁶⁸⁰

1201. Considering the above, the REDESCA is concerned about the intensification of the actions carried out against the medical union in Nicaragua, especially in the context of the pandemic. REDESCA condemns the use of intimidating or harassing practices through the use of criminal, labor or administrative law that have the effect of silencing or instilling fear in members of the medical and health union. Such actions, in addition to affecting the well-being of the people who suffer from them, have a negative impact on the guild as a whole, and on the population that is served by such professionals.

1202. For its part, in relation to the implementation of the vaccination plan in the country, both the Interdisciplinary Scientific Committee, as well as the UMN and the Citizen Observatory, indicated that on May 3, 2021, the country's health sector agreed to a first round of vaccines.¹⁶⁸¹ However, the IACHR and the REDESCA take note of the complaints made by sectors of civil society of discrimination in access to the vaccine for political reasons. In this regard, the ESCR Committee, in its country report, stated that there are allegations of discrimination on the grounds of political opinion that has affected persons opposed to or critical of the Government with regard to the

¹⁶⁷⁶ CIHD and REDESCA, [Social Media Pronouncement](#), 29 July 2021

¹⁶⁷⁷ The Press, [Nicaraguan Medical Unit closes its offices due to Ortega's constant sieges](#), June 23, 2021; REDESCA

¹⁶⁷⁸ REDESCA, Work meeting with Civil Society, 7 July 2021

¹⁶⁷⁹ REDESCA, Meeting with civil society, 8 July 2021

¹⁶⁸⁰ IACHR and REDESCA, [The IACHR and its REDESCA Urge Nicaragua to Immediately Cease Harassment of the Medical Sector](#), 28 July 2021

¹⁶⁸¹ REDESCA, Work meeting with Civil Society, 7 July 2021

- exercise and enjoyment of their economic, social and cultural rights, including access to health services.¹⁶⁸²
1203. In this same sense, according to calculations of the Multidisciplinary Scientific Committee, the immunization of all people could be completed in five years. Giving as main factors the lack of available doses and the lack of a massive information campaign.¹⁶⁸³ Nicaragua has a loan of 100 million dollars to buy vaccines, so far with that fund 190 thousand doses of SPUTNIK V have been purchased.¹⁶⁸⁴ For its part, the State has reported that at the moment the country has about 531,000 doses of vaccines between Covishield and Sputnik V, which would reach 265,500 people, which only covers 3.9% of the population. Therefore, for the scientific community of Nicaraguan civil society, they indicate that, if they consider that the country's state apparatus has sufficient infrastructure to be able to meet the objective of implementing an immunization program, however, there is no clarity about the country's willingness to carry it out. According to MINSA during the month of June, almost 200,000 people would be vaccinated with the second dose of the Covishield vaccine.¹⁶⁸⁵
1204. In its findings, the Observatory points out that the prioritized population groups do not coincide with the recommendations of international health organizations. Therefore, the organizations have denounced that so far it is not known if health workers and other prioritized groups have already received their dose or when they will be vaccinated or with which vaccine available in the country.¹⁶⁸⁶ As of October 22, 2021, according to PAHO figures, the country has vaccinated at least 5% of the country's population with the full schedule, and with at least one dose 19.5% of the population. It would be necessary to vaccinate at least 94.59% of the country's population with a complete scheme.¹⁶⁸⁷
1205. Therefore, the REDESCA reiterates its concern about the lack of constant official information on the handling of the pandemic in the country. Recalling the call made in 2020 together with the RELE regarding the situation of public information in this context, it is essential that it be transparent in order to carry out an appropriate social control and also for public planning on health issues.¹⁶⁸⁸ As of October 22, 2021, according to PAHO figures, the country has vaccinated at least 5% of the country's population with the full schedule, and with at least one dose 19.5% of the population. It would be necessary to vaccinate at least 94.59% of the country's population with

¹⁶⁸² United Nations Committee on Economic, Social, Cultural and Environmental Rights, Concluding Observations on the Fifth Periodic Report of Nicaragua, 15 October 2021, E/C.12/NIC/CO/5, p. 17

¹⁶⁸³ La Prensa, [Médicos no ven posible que el MINSA cumpla con el 70% de la población al cierre de este año](#), 2 de julio de 2021

¹⁶⁸⁴ MINSA, NEW SPUTNIK V VACCINE SHIPMENT ARRIVES IN NICARAGUA FOR IMMUNIZATION AGAINST COVID-19, July 2, 2021

¹⁶⁸⁵ La Prensa, [Médicos no ven posible que el MINSA cumpla con el 70% de la población al cierre de este año](#), 2 de julio de 2021

¹⁶⁸⁶ Observatorio Ciudadano COVID-19 en Nicaragua, Weekly Report from 10/14/2021 to 10/20/2021, October 22, 2021

¹⁶⁸⁷ PAHO, COVID-19 Vaccine Tracker, updated 22 of October of 2021

¹⁶⁸⁸ IACHR, [IACHR and its Special Rapporteurships RELE and REDESCA express grave concern over violations of the right to information in Nicaragua and their consequences for access to health in the context of the Covid-19 pandemic](#), May 27, 2020

a complete scheme.¹⁶⁸⁹ However, the REDESCA reiterates that at the beginning of the execution of the phase of the plan that began in October 2021, there were rows and agglomerations in the department of Carazo and in Managua; where social distancing was not respected, limited capacity, nor would the required biosecurity measures have been adopted.¹⁶⁹⁰

1206. Consequently, the REDESCA is aware that many people from Nicaragua have chosen to go to other countries to look for doses of the COVID-19 vaccine that are available. Particularly, according to public information, the Office of the Special Rapporteur notes that Honduras would be the recipient country. There has even been evidence of "health tourism" by companies in Nicaragua, which offer "tours" to go to get vaccinated in the adjoining country.¹⁶⁹¹ Likewise, long lines of thousands of Nicaraguans have been reported to have collapsed the Covid-19 vaccination posts located at the border posts between Nicaragua and Honduras. It was even reported that at least 10,000 people lined up along five km on the side of the road leading to the border.¹⁶⁹²

1207. In this regard, the REDESCA indicates that it did not obtain a response from the State to the request for information made, in order to receive information on the progress made in its vaccination plans in consideration of the application of Resolution 1/21 of the IACHR. Likewise, the REDESCA is aware that the ESCR Committee has also indicated its concern that the State has not taken the necessary measures to prevent the spread of COVID-19 based on adequate analysis or information on the vaccination plan adopted by Nicaragua.¹⁶⁹³

1208. Additionally, the REDESCA is aware that adding to the additional stress that the pandemic entails, the country's health system would be equally affected, which contributes to the exacerbation of the pandemic in the country. Particularly, with regard to the rates of chronic non-communicable diseases, according to MINSAs data, the country showed an increase in chronic diseases. Patients with hypertension increased by 35.3%, diabetic people by 36.5%, heart disease by 182.6%. And compared to the previous three years, the deaths of these patients also went up.¹⁶⁹⁴ If before eight people died per day from heart attacks, between January and August 2020, there were 16. While deaths from diabetes went from six per day to 13 and those from hypertension from three to five. To this is added that the eradication rates of both malaria and dengue (infectious diseases), have not reduced their incidence either.¹⁶⁹⁵

¹⁶⁸⁹ PAHO, COVID-19 Vaccine Tracker, updated October 22, 2021

¹⁶⁹⁰ IACHR, The IACHR and the REDESCA express their alarm at the scarcity of public information on the pandemic in Nicaragua, and urge the State to implement urgent health prevention measures with scientific support and a human rights approach, November 17, 2021

¹⁶⁹¹ EuropaPress, Honduras Announces Plan to Vaccinate Nicaraguans at the Border and Foreign Coffee Workers, 25 October 2021;

¹⁶⁹² 100% News, Kilometer lines of Nicaraguans who crossed into Honduras for anti-covid vaccine continue, 25 October 2021; France 24, On horseback and on rafts, Nicaraguans cross into Honduras to be vaccinated against covid-19, 25 October 2021; VOA Thousands of Nicaraguans are vaccinated in Honduras against COVID-19, 25 October 2021

¹⁶⁹³ United Nations Committee on Economic, Social, Cultural and Environmental Rights, Concluding Observations on the Fifth Periodic Report of Nicaragua, 15 October 2021, E/C.12/NIC/CO/5, para. 42

¹⁶⁹⁴ United Nations Committee on Economic, Social, Cultural and Environmental Rights, Concluding Observations on the Fifth Periodic Report of Nicaragua, 15 October 2021, E/C.12/NIC/CO/5, para. 40

¹⁶⁹⁵ El Confidencial, Official data deny alleged strengthening of Health in 2020, May 26, 2021;

1209. On the other hand, in the context of the management of the pandemic, the REDESCA is aware that part of the measures taken by the Ministry of Health (Minsa) was to order the distribution of ivermectin tablets, as a preventive medicine against COVID-19. It should be noted that the use of this medicine is a veterinary antiparasitic that its use is not recommended by the WHO or by other health control agencies.¹⁶⁹⁶ In that line, the REDESCA notes that on the use of the drug pointing out that: those who disseminate information against the use of ivermectin are "people who are dedicated to wanting to get sick faster or that you do not protect yourself". MINSA would have required doctors to give patients with respiratory symptoms or who had contact with 'COVID patients', six tablets of ivermectin that must be taken three by three, with a difference of 48 to 72 hours.¹⁶⁹⁷
1210. With all of the above, the Office of the Special Rapporteur emphatically calls on the State of Nicaragua to cease all types of harassment and intimidation against people in the health sector, as well as civil society and the scientific community, urging it to ensure the construction of contexts and environments free of harassment or threats. without hindering the practice of medicine and to comply with its duty to guarantee the rights of health professionals in the context of the pandemic. This includes, especially, prioritizing their immunization with safe and effective vaccines against COVID-19, following the criteria of IACHR Resolution 1/2021.
1211. Finally, the REDESCA also urges the State to take concrete actions to prevent the massive spread of the virus, especially by accelerating vaccination processes, since this is the tool that offers the greatest opportunities to stop the spread of the virus. In this regard, they recall and call for the implementation of the recommendations issued in IACHR Resolutions 1/2020, 4/2020, and 1/2021; they provide a broad conceptual framework that allows government authorities to design, plan and implement public policies and adopt the measures that are required to face the pandemic from a human rights perspective.

B. Climate Emergency and Human Right to Water

1212. Regarding the impacts of climate change, according to information provided by civil society organizations, Nicaragua in the last 10 years has presented accumulated rainfall close to its historical levels. In others, the accumulated ones have been observed well below the historical norm, this due to the climatic variability. Similarly, a prolongation has been observed between days with rain and days with accumulated rainfall equivalent to one month. This generates an acceleration of erosive processes in soils, the sedimentation of channels and rivers, as well as the destruction of gallery forests; all this, with obvious consequences in the productive sector at the national level.¹⁶⁹⁸
1213. For its part, regarding adaptation and mitigation measures on climate change, the REDESCA notes that in the last NDC presented by Nicaragua in 2020 , a portfolio under management of 15 programs and projects totaling more than US\$ 190 million was identified. In the same way,

¹⁶⁹⁶ World Health Organization, [WHO advises against using ivermectin to treat COVID-19 if not in clinical trials](#), March 31, 2021

¹⁶⁹⁷ El Confidencial, [MINSA imposes the questioned ivermectin in the face of the resurgence of COVID-19](#), 8 September 2021

¹⁶⁹⁸ Fundación Centro Humboldt, Response to REDESCA's request for information, October 25, 2021

initiatives ranging from forest conservation and restoration activities (REDD+) to adaptation and resilience initiatives of productive and agri-food systems (Bioclimate) are incorporated. In this line, the REDESCA welcomes the fact that the State in its NDCs has reported that, in relation to the contribution in mitigation for this year, Nicaragua will implement with the Forest Carbon Cooperative Fund an Emission Reduction Program on the Caribbean Coast that would contribute to reducing approximately 11 million tons of carbon dioxide from deforestation and forest degradation; as well as other programs and projects that seek to ensure the sustainable management of forests and protection of ecosystems.¹⁶⁹⁹¹⁷⁰⁰

1214. For its part, the REDESCA is aware that, in the context of the mitigation and adaptation project for climate change, there would have been difficulties for its implementation in the country. Thus, the Office of the Special Rapporteur takes note of the case presented to the Independent Grievance Mechanism of the GCF (Green Climate Fund), presented in June 2021, and accepted on July 21, 2021 by the mechanism in its admissibility determination report. It indicates that the complaint refers to the FP146 project, "Bio-CLIMATE: Integrated climate action to reduce deforestation and strengthen resilience in the biospheres of BOSAWÁS and Río San Juan", a project based in the Caribbean Region of Nicaragua. The main objective of this project is to restore the degraded forest landscapes in the Bosawás and Río San Juan Biosphere Reserves. This project also aims to promote sustainable land use management and forest management. As indicated by the mechanism, the complaint alleges that the project would affect the rights of indigenous and Afro-descendant populations in the region, as it does not have an appropriate process of consultation with the communities, which includes free, prior and informed consent. It should be noted that the executing agency is the Central American Bank for Economic Integration; which, according to the complainants, would not be complying with the GCF's policies regarding transparency and access to information.¹⁷⁰¹

1215. On the other hand, the REDESCA recognizes that the factors that generate climate change, such as aggressive deforestation and the acceleration of desertification processes, have been exacerbated in certain sectors of the country. This is accompanied by a complex context in which the most affected people are those belonging to the country's indigenous communities, particularly those in the Caribbean coast region.¹⁷⁰²

1216. Additionally, the REDESCA is aware that the implications of hurricanes ETA and IOTA persist in the region. According to a UNICEF report, half a million people in the country continue to have limited access to safe water. Specifically, around 500,000 people, including many children, continue to be affected by damage to water, hygiene and sanitation facilities on Nicaragua's northern Caribbean coast. For its part, the Ministry of Environment and Natural Resources said that the impact of hurricanes in the country is collected in an amount of \$ 993 USD million dollars, which would count 8.3% of GDP. Likewise, this State ministry has reiterated that the country

¹⁶⁹⁹ Government of Nicaragua, [NDC Updated 2020](#), December 24, 2020

¹⁷⁰⁰ Government of Nicaragua, [NDC Updated 2020](#), December 24, 2020

¹⁷⁰¹ Independent Complaint Mechanism of the Green Climate Fund (GCF), [Eligibility Determination: Case C-0006-Nicaragua](#), 21 July 2021

¹⁷⁰² Community Rangers Territory Mayangna Sauni As, Bulletin No1: We are being killed for defending our forests, June 2021

would be more affected by the increase in temperature, less flows in water resources, diseases, and the possibility of deforestation in the forests, and even the significant decrease in the production of important products for the country such as corn and other grains.¹⁷⁰³¹⁷⁰⁴¹⁷⁰⁵

1217. The Office of the Special Rapporteur welcomes the fact that the State has adhered to the declarations to elevate Losses and Damages to the same category of Mitigation and Adaptation, on Climate Justice with Reparation, as the basis of the principle of Common but Differentiated Responsibilities and Respective Capacities, among others. In that sense, it should be noted that many people in the region are already facing food insecurity, forced migration, disease and death due to global warming. Consequently, the right to life, food, housing, health, water and a healthy environment are being seen and will be increasingly impacted, causing an unprecedented social crisis, which also adds to that generated by the pandemic.¹⁷⁰⁶¹⁷⁰⁷

1218. Consequently, they encourage the State of Nicaragua, in line with the obligations assumed within the inter-American system, to place human rights and the adverse impact that climate change has on the enjoyment of these at the center of its climate negotiations and decisions, especially for individuals and groups who are in a situation of greater vulnerability.¹⁷⁰⁸

C. Business and Human Rights

1219. Regarding business activities and their impacts on human rights, the REDESCA is aware that the State, through the presentation of development policies and projects, is in the process of establishing a public policy to promote investment in the country between 2019-2021. The State has indicated that these projects are aimed at incorporating new productive and social infrastructure required to strengthen the country's competitiveness and socio-economic development, anticipating results in reducing costs and greater logistical efficiency, facilitating trade, the mobilization of goods, merchandise and people, and access to new production centers. Among the projects open to financing were identified projects in energy, transport, water and sanitation, ports, airports, telecommunications, tourism and fisheries; all of them, areas of public and private interest.¹⁷⁰⁹

1220. For its part, the REDESCA is aware that the activities of the extractive industries in the country have intensified, according to what has been expressed by civil society organizations. However, these activities would not be carried out with the due diligence and care that is required. In that sense, the REDESCA learned that two children died when they fell into the well of an artisanal mine

¹⁷⁰³ UNICEF [Half a million people still have limited access to safe water in Nicaragua after hurricanes](#), 12 March 2021

¹⁷⁰⁴ MARENA [Nicaragua presents position before the COP-26 climate summit](#), 27 July 2021

¹⁷⁰⁵ MARENA [Nicaragua presents position before the COP-26 climate summit](#), 27 July 2021

¹⁷⁰⁶ Government of Nicaragua, [Statement by Foreign Minister Denis Moncada in the framework of the opening of the High-Level Segment of COP26](#), November 9, 2021

¹⁷⁰⁷ IACHR, [In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions.](#), November 4, 2021

¹⁷⁰⁸ IACHR, [In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions.](#), November 4, 2021

¹⁷⁰⁹ Ministry of Energy and Mines of Nicaragua, [Development Policies and Projects to Boost Investment 2019—2021](#)

in a rural area according to the Ministry of Educational Communities of Mulukukú. The accident occurred in Kuikuinita, a rural region of the municipality of Mulukukú, in the North Caribbean Autonomous Region (RACN). On the other hand, the discovery of the bodies of two men buried inside an artisanal mine in the department (province) of Río San Juan, bordering Costa Rica, was also reported. In this regard, the Office of the Special Rapporteur is aware that Nicaragua has multiple areas where artisanal mines abound, including those in the northeast and south of the country. Although the work of 'güiricero' is considered dangerous, especially when it comes to underground mines, the people who carry out this activity run the risk because in a day they earn what they get in a month if they dedicate themselves to field work.¹⁷¹⁰¹⁷¹¹

1221. Thus, the REDESCA notes that the largest industrial mining activity in the country would be the export of gold. According to the Mining Chamber of Nicaragua (CAMINIC) registered until May 344 million dollars for gold exports, 50.8% more than it reached last year. In volume, they reached a total of 192 thousand ounces, that is, 39.8% more than in 2020 due to the increase in gold prices, currently the mining sector represents 75% of the country's exports. The majority of Nicaraguan gold, about 85%, goes to the United States, says Sergio Murillo, president of CAMINIC. The other part is aimed at Canada and there is a partner that also exports to Switzerland. According to a REPORT BY CAMINIC, most of the gold that leaves Nicaragua is used as an intermediate input for industry and construction.¹⁷¹²¹⁷¹³

1222. In this sense, the REDESCA is aware that companies with Canadian capital (Mako Mining, Calibre Mining), the United Kingdom (Condor Gold, Royal Road Minerals) and Colombia (Miners) would be operating in Nicaragua at the moment. All these companies have expressed that their interest in continuing to invest in the country is linked to the fact that the State has a public policy in favor of mining, along with legal certainty and the tax regime is also considered relatively benign, since companies pay 30% corporate taxes and 3% net royalties for smelting refunds.¹⁷¹⁴

1223. According to civil society organizations, there is an accelerated deterioration of institutions, while public participation in the management of the environment and natural resources is annulled, increasing the criminalization of protest and the lack of public information in relation to environmental projects, thus violating the mandated in Law 621- Law on Access to Public Information. Thus, the REDESCA is concerned that this behavior on the part of the State has caused a gradual weakening of environmental and social safeguards, which have diminished the spaces for citizen participation, intensifying the criminalization and militarization of areas in the process of exploration and mining exploitation, using members of the National Police and paramilitary groups. In this sense, the REDESCA notes that the increasingly reduced space for citizen participation has been co-opted by partisan political organizations related to the current

¹⁷¹⁰ EFE, [Two children die when they fall into an artisanal mine shaft in Mulukukú](#), 8 March 2021

¹⁷¹¹ Fundación Centro Humboldt, Update on Information on the Mining Industry in Nicaragua, September 2021; EFE, , 8 March 2021 [Mulukukú](#), 8 March 2021

¹⁷¹² Fundación Centro Humboldt, Update on Information on the Mining Industry in Nicaragua, September 2021

¹⁷¹³ Fundación Centro Humboldt, Update on Information on the Mining Industry in Nicaragua, September 2021

¹⁷¹⁴ Fundación Centro Humboldt, Update on Information on the Mining Industry in Nicaragua, September 2021

- government party; such spaces are dominated by guidelines that respond to partisan and economic political interests, leaving out human and environmental rights.¹⁷¹⁵¹⁷¹⁶
1224. Along these lines, the mandate emphasizes that this situation has been repeatedly expressed before the IACHR and the REDESCA in the framework of the 179th Regular Period of Sessions in the hearing on the impact of colonization on indigenous territories of the Caribbean Coast in Nicaragua. In this context, the Office of the Special Rapporteur takes note of the call made by the United Nations Special Rapporteur on the situation of human rights defenders, who, through a communiqué, called on the State to take measures to protect people who have defended their land against the illegal exploitation of people associated with the extractive industry. stressing that, if those responsible are not properly investigated and brought to justice, these murders will continue to be carried out with impunity.¹⁷¹⁷
1225. In this context, the REDESCA notes that community organizations in the sector claim that they receive threats from people who identify themselves as settlers. Faced with this situation, they denounce that there are no actions on the part of the national government; to which they also point out to legitimize the actions of the illegitimate regional authorities in their opinion. In the same way, they reiterate that after the occupation of the Mayangna land, the forest is destroyed to leave pasture for livestock, turning the forests into pastures. Some settlers who have been arrested have presented the endorsement of government authorities, others present deeds where it is said that territorial government authorities.¹⁷¹⁸
1226. Considering the foregoing, the REDESCA urges Nicaragua to exercise its regulatory, supervisory and judicial functions, but also companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to its close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations. This includes ensuring and respecting, at a minimum, all current environmental laws and international standards or principles on the subject that are applicable to the case.¹⁷¹⁹
1227. Therefore, more generally, the Office of the Special Rapporteur reiterates that within the framework of the duty to prevent human rights violations in the context of business activities, the prevention strategy applied by the States must be comprehensive, that is, it must seek to prevent risk factors and at the same time strengthen the institutions involved so that they can provide an effective response to the phenomenon that is intended to be faced. States should also take particular preventive measures in situations where it is clear that certain groups of persons,

¹⁷¹⁵ Fundación Centro Humboldt, Update on Information on the Mining Industry in Nicaragua, September 2021

¹⁷¹⁶ Fundación Centro Humboldt, Update on Information on the Mining Industry in Nicaragua, September 2021

¹⁷¹⁷ OHCHR, [Nicaragua: UN expert urges better protection of environmental rights defenders](#), 1 February 2021

¹⁷¹⁸ Community Rangers Territory Mayangna Sauni As, Bulletin No1: We are being killed for defending our forests, June 2021

¹⁷¹⁹ IACHR, Business and Human Rights Report: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 46

because of their membership in a vulnerable group, may be victims of violations of their rights within the framework of the business activity in question.¹⁷²⁰

D. Labor and Trade Union Rights

1228. In the contexts relating to the guarantee of labor and trade union rights in the country, the REDESCA received information on the situation of a group of 160 women who, after occupational accidents, would have been left with some type of disability and would not be accessing their employment benefits; since they pointed out that they have been denied a legal pension for disability. Similarly, with regard to the guarantee of safe, fair and equitable working conditions, the REDESCA bears in mind that the situation of maquilas and in particular of maquiladora women is of great importance. In a report by a civil society organization, testimonies are collected in which the injuries and difficulties of women are indicated, who worked in companies in free zones that produce garments for brands such as Under Armour, Nike or Adidas, said that, despite having exceeded the minimum contributions to receive a disability pension that includes medicines, the authorities deny them the benefit.¹⁷²¹¹⁷²²

1229. Thus, the REDESCA takes careful note that, from the testimonies of the women maquila workers, they indicated that they suffer from several serious injuries to the spine, tendonitis, osteoarthritis in the neck and knees, carpal tunnel syndrome, rheumatoid arthritis, hypertension, sleep disorders, and, in addition, the abuse of analgesics has been recorded, kidney failure and heart problems. This has led to some women no longer being able to fend for themselves to perform everyday activities such as cooking their food, washing their clothes, and grooming themselves.¹⁷²³

1230. To this is added that even the delivery of compensation and benefits by the Nicaraguan Institute of Social Security (INSS) has been denied, pointing out the age of the person as a factor that prevented him from remaining an active person. According to the study carried out by civil society, in this context there are women between the ages of 37 and 51 with lifelong disabilities, who denounce that, due to an implicit arrangement between the business sector and the State, the INSS denies or haggles over the pension to which they are entitled due to partial or total incapacity for work.¹⁷²⁴

1231. On the other hand, the REDESCA notes with concern that, according to what has been pointed out by these organizations, the lack of protection of the rights of the working population has allowed the companies of the Free Trade Zone to overexploit the labor force, since they convert into permanent authorization a provision designed as exceptional. In the interest of increasing the incentive, women working in this industry arrive earlier, work at strenuous rhythms and get little rest. The chain of unprotection begins by not providing them with the necessary protective

¹⁷²⁰ HDI, Business and Human Rights Report: Inter-American Standards, OAS/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 94

¹⁷²¹ The Economist, [Workers with disabilities demand labor justice in Nicaragua](#), 15 March 2021

¹⁷²² EFE, [Workers with disabilities demand labor justice in Nicaragua](#), 14 March 2021

¹⁷²³ Maria Elena Cuadra Movement, [Surviving the Maquilas: Impact of Work on Nicaraguan Women's Bodies](#), January 2021

¹⁷²⁴ Maria Elena Cuadra Movement, [Surviving the Maquilas: Impact of Work on Nicaraguan Women's Bodies](#), January 2021

material to carry out their work, such as masks or plugs to avoid noise, ergonomic furniture or a space with conditions that do not expose their health, since most work crowded in small places without the necessary ventilation.¹⁷²⁵¹⁷²⁶

1232. Even in the context of the pandemic, factories were closed in these sectors, leaving the subsistence of the workers of these factories in distress. In this regard, the REDESCA takes note of the strike carried out by 1,200 workers of the New Holland Apparel company, after the company did not accept the proposal of the unions, to pay three months of additional salary to each employee for the closure of operations in the country.¹⁷²⁷

1233. In this regard, the REDESCA recalls that the State has the obligation to guarantee fair, equitable and safe working conditions to all persons within the jurisdiction of the State. More specifically, the REDESCA recalls that the State is then responsible for itself both when it operates as an employer, and for the actions of third parties who act with their tolerance, acquiescence or negligence, or backed by some directive or state policy that favors the creation or maintenance of situations of discrimination.¹⁷²⁸

1234. It is for these reasons that the Office of the Special Rapporteur urges the State to take all appropriate measures to safeguard the labor rights of people who work in the maquilas, particularly women who, in the present social context, are forced to resort to insecure, dangerous, and unstable forms of employment. Consequently, women employed in these sectors are also particularly vulnerable to harassment, physical abuse, including sexual violence, both in the workplace and on the commute to and from work, especially in conflict and post-conflict settings.¹⁷²⁹

E. Fiscal and Economic Policies

1235. The REDESCA is aware that the situation in Nicaragua in relation to the guarantee of ESCER is increasingly worrying around the realization of such rights, in a context of inequality and poverty that has been aggravated both by the political and democratic crisis and by the pandemic. According to Data from the World Bank, in mid-2021, 44% of households reported lower incomes, food insecurity also worsened, with poverty estimated to have increased from 13.5% in 2019 to 14.6% in 2021.¹⁷³⁰

1236. Thus, the REDESCA is aware that the State has been a beneficiary of the Special Drawing Rights (SDRs) of the International Monetary Fund (IMF). According to the Central Bank of Nicaragua, the

¹⁷²⁵ Maria Elena Cuadra Movement, [Surviving the Maquilas: Impact of Work on Nicaraguan Women's Bodies](#), January 2021

¹⁷²⁶ Maria Elena Cuadra Movement, [Surviving the Maquilas: Impact of Work on Nicaraguan Women's Bodies](#), January 2021, p 6-12

¹⁷²⁷ Vos TV, [Free zone workers strike to demand payment of three months' salary for closure of the company](#), 7 May 2021

¹⁷²⁸ IACHR, Report No. 25/28. Case 12.428 Admissibility and merits. Employees of the fire factory in Santo Anotnio de Jesus and their families. Brazil, OEA7SER. L/V/II.167 Doc.29, 2 March 2018, par. 143

¹⁷²⁹ IACHR, Business and Human Rights Report: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 339

¹⁷³⁰ Banco Mundial, Nicaragua: Overview, updated to 8 October 2021.

funds were disbursed on August 23, 2021, Nicaragua received from the International Monetary Fund (IMF) a disbursement for the equivalent of US\$353.5 million corresponding to an allocation of Special Drawing Rights for 249.2 million, as part of a financial support from the IMF to cover the needs of reserves worldwide and help the member countries of that institution to cope with the impact of the COVID-19 pandemic. However, public information indicated that until the time that this information became known, there were no indications on the use of the information.¹⁷³¹¹⁷³²

1237. In this sense, in order to determine the use of the funds that the State has received, the REDESCA takes note of the Budget Execution Report for the period January – June 2021, prepared and published by the Ministry of Finance and Public Credit (MHCP), which details that, in that period, the total revenues of the State amounted to 53 414.8 million córdobas. That's 31.3% higher than the \$40.693.1 billion raised in the same period a year earlier, and represents 64.4% of total budgeted revenue for all of 2021, in addition to exceeding the collection percentages reached during the first quarter of 2021. In this line, it is borne in mind that donations made by international organizations, international philanthropy and other international cooperation funds totaled 702.4 million córdobas initially budgeted for use in the fight against COVID-19, rose to 4896.2 million, but of that sum, only 481.1 million would have been executed (9.8% of the accumulated total).¹⁷³³¹⁷³⁴

1238. In this sense, it is borne in mind that the sectors of education, housing and community services and social protection suffer cuts in their budgets between 9.87%, 1.01% and 0.65% for the year 2021, with respect to the resources allocated in 2020. On the other hand, the recreation, culture and religion sector had its budget increased by 2.69%, while the health sector will have 7.24% more money available to operate in 2021. Thus, according to public information in the social protection sector, the Ministry of the Family was stripped of its financial capacity to fulfill its mission of providing assistance and protection to people in vulnerable conditions or at risk of suffering violence, abuse or family abandonment. In 2015, the institution recorded its highest expenditure in history by C\$671.01 million (about US\$24 million, however, its resources were reduced to C\$393.6 million (about US\$11.1 million) by 2021.¹⁷³⁵¹⁷³⁶

1239. Along these lines, the REDESCA takes note of the provisions of the ESCR Committee where it indicated its concern regarding the information that accounts for the decrease in funds for the health and education sector. It also regrets that the State party has not reported on the proportion of public revenue derived from taxes or on the impact that the Tax Concertation Act has had on the provision of the maximum of its available resources for the realization of economic, social and

¹⁷³¹ Central Bank of Nicaragua, [NICARAGUA RECEIVED FROM THE IMF AN ALLOCATION OF US\\$353.5 MILLION TO STRENGTHEN INTERNATIONAL RESERVES AND TO ADDRESS THE ECONOMIC IMPACT OF THE COVID-19 PANDEMIC](#), August 23, 2021

¹⁷³² The Press, [The more than 353 million dollars delivered by the IMF are already in the coffers of the NCB; therefore, reserves reach record level](#), 14 September 2021

¹⁷³³ Ministry of Finance and Public Credit of Nicaragua, [Budget Implementation Report January-June 2021](#), July 2021

¹⁷³⁴ El Confidencial, Ortega Government executes less than 10% of the 'covid budget', September 1, 2021

¹⁷³⁵ Public Record, The most vulnerable population is the big loser in the 2021 Budget, January 5, 2021

¹⁷³⁶ Public Record, The most vulnerable population is the big loser in the 2021 Budget, January 5, 2021

cultural rights. The Committee notes with concern the information that the above-mentioned law eliminates exemptions for most products in the basic basket.¹⁷³⁷

1240. For its part, the Office of the Special Rapporteur recalls that poverty and extreme poverty cannot be confronted and eradicated without a broad framework of redistributive policies that reduce the extreme levels of socioeconomic inequality that characterize the region. In this sense, the REDESCA calls on the State so that in the framework of the construction of its fiscal policy it does not lose sight of the fact that human rights principles constitute a framework that underpins the key functions of fiscal policy and taxation. In this sense, from the human rights perspective, the following principles and obligations are particularly relevant for fiscal policy: ensuring minimum essential levels; mobilization of the maximum available resources for the progressive implementation of ESCER; progressive realization and non-regression of these rights; and the principle of equality and non-discrimination.¹⁷³⁸

F. Education, science, technology: academic freedom and university autonomy

1241. Regarding the right to education in the context of the pandemic, it was particularly affected, since, according to the available information, it has been indicated that the lack of implementation of biosecurity measures in school classrooms persists. In the case of teachers, it was indicated that in the absence of the complete closure of educational centers and having taken it normally, the measures would not have been adequate in the public education sector. Teachers were required to continue attending daily morning and afternoon shifts, without any protection. Even some colleagues feared wearing masks or gloves for moving away from official recommendations to continue normally. In that sense, according to public information, it was by decision of the parents of the children and adolescents.¹⁷³⁹

1242. Similarly, in order to avoid sanctions and harassment by government authorities; Testimonies from teachers indicate that in order to safeguard the health of the students, they used the use of hidden messages to dissuade them from attending the classrooms, despite the fact that there were provisions by the relevant authorities that all people must attend. Additionally, the face-to-face modality, in the midst of a pandemic, faces in Nicaragua schools that do not have the adequate means to maintain a minimum of safety and hygiene. According to civil society organizations, such as the ¹⁷⁴⁰[Forum on Education and Human Development](#) and the Coordinator of Organizations Working with Children in Nicaragua (CODENI), biosecurity measures in schools are difficult to apply, particularly in a context where 45% of schools do not have drinking water service. and in the other 55% it is a deficient system.¹⁷⁴¹

1243. For its part, with regard to academic freedom, the REDESCA has received information on the politicization of universities and the active discrimination against young people who do not identify with the FSLN. In particular, the REDESCA draws attention to the siege on April 26, 2021

¹⁷³⁷ United Nations Committee on Economic, Social, Cultural and Environmental Rights, Concluding Observations on the Fifth Periodic Report of Nicaragua, 15 October 2021, E/C.12/NIC/CO/5

¹⁷³⁸ IACHR, Poverty and Human Rights, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 493 and par. 502

¹⁷³⁹ The Country, [The dire consequences of not closing classrooms during the pandemic in Nicaragua](#), 25 March 2021

¹⁷⁴⁰ The Country, [The dire consequences of not closing classrooms during the pandemic in Nicaragua](#), 25 March 2021

¹⁷⁴¹ The Country, [The dire consequences of not closing classrooms during the pandemic in Nicaragua](#), 25 March 2021

of the university campus of the Central American University (UCA), where in the framework of a commemoration of the third anniversary of the events of 2018; organized by university students and members of the civil community, there were reports of intrusions on the university campus by plainclothes police members and pro-government paramilitaries and searches of the university's vehicles and students.¹⁷⁴² Similarly, 7 teachers have been expelled and 1 teacher was forced to resign for expressing their opinions against the regime. Of these figures, 5 of the 7 expelled teachers belong to the UNAN of León. Additionally, there has been a cut of at least 6% of the teaching staff in some public universities (such as the UCA), which can be attributed to the lack of allocated budget as well as to the fact that people do not want to be persecuted by the State. Even this has led to some careers closing and you only have up to a maximum of 1 teacher per race.¹⁷⁴³

1244. In a similar vein, the REDESCA is aware that the ESCR Committee also expressed its concern about the deficiencies found in terms of the quality of education both in terms of infrastructure and material and in terms of the content of school curricula and the training of teachers, a situation that is more serious in rural areas and on the Caribbean coast. Consequently, for the REDESCA the conditions mentioned above plus the constant harassment generated by the State, highlights the high dropout rates in both primary and secondary education, particularly in rural areas.¹⁷⁴⁴

1245. On the other hand, in addition to the expulsions that have already been registered previously, they have continued and there is no opportunity for people to request a new process to reconsider their cases. In this sense, it has been reported that new admissions to university centers are restricted to those people who are part of the FSLN. In the main, it was stated that in order to secure a quota to the race or receive some type of financial support, it is limited to those people who send a letter to President Ortega. In the same way, this is reiterated when it has been reported that people with high grades are not accepted to any faculty just for not presenting this certificate. To this is added that they ask for a political endorsement to ensure their place in the faculty.¹⁷⁴⁵

1246. It was also reported that student tours sponsored by the regime would be carried out, which seek precisely to promote and wash the image of the government in student contexts. This according to civil society organizations has increased since the National Union of Students of Nicaragua (UNEN), is acting as a political arm of the regime in 30 university campuses in the country. This has allowed cadres who are part of the regime to have the greatest presence in the collegiate decision-making bodies, as well as in the allocation of resources to the internal university houses.¹⁷⁴⁶

1247. Finally, the Office of the Special Rapporteur is aware that the regime's presence in schools has also extended to basic and secondary education. In this regard, it has been reported that there are

¹⁷⁴² Aula Abierta

¹⁷⁴³ Aula Abierta

¹⁷⁴⁴ United Nations Committee on Economic, Social, Cultural and Environmental Rights, Concluding Observations on the Fifth Periodic Report of Nicaragua, 15 October 2021, E/C.12/NIC/CO/5, para. 46 and par. 48

¹⁷⁴⁵ Article 66, Scholarships for high school graduates and professionals will be approved only if they send a letter to Daniel Ortega, 16 January 2021

¹⁷⁴⁶ Confidential UNEN regains power from FSLN in public universities, May 2, 2021

indoctrination practices in the classroom. As reported in Estelí, the teaching staff created a children's choir that sings songs for These actions would even be aimed at strengthening through the enactment of a Law that aims to advance actions of safeguarding, promotion, dissemination, knowledge, valuation, appropriation and transmission to future generations of the values of Sandinismo.¹⁷⁴⁷¹⁷⁴⁸

1248. The student organization Acción Universitaria demanded from the authorities of the National Autonomous University of Nicaragua (UNAN-Managua), "the academic reinstatement" of 82 students who were expelled for their participation in the civic uprising of April 2018. On June 23, Silvio Benito López, who was in the second year of law, Walter Francisco Medina in the fourth year of law, Sayra Azucena Martínez, a fourth-year law student, Fernando Geovanny Ridel in the fourth year of law and Jocelyne María Bárcenas who was in the first year of the Tourism Business Management career, they were definitively expelled by a notification from the General Secretariat of the UNAN-León. Student members of the CUDJ denounced to civil society organizations that these expulsions were allegedly arbitrary. In an open letter addressed to the University Council of the UNAN-Managua, the student movement denounced that the expulsions "did not occur" under the legal and regulatory procedures established according to the University Statutes, and denied "the opportunity to exercise the right to defense and clarification of specific cases for each expulsion."¹⁷⁴⁹¹⁷⁵⁰

1249. Additionally, the REDESCA is aware that in the country there is that, during the commemoration of the third anniversary of the beginning of the protests that began on April 18, 2018, different events organized by civil society organizations were carried out by the hand of university students, as a form of demonstration and denunciations of a social discontent that persists to this date. In the previous context, Nicaraguan students reported in an interview with Aula Abierta Latinoamérica conducted on April 30, 2021, that they planned to carry out a "picket" with some commemorative activities to April 18, 2018, on Monday, April 19, 2021, but due to the decision of the UCA to suspend classes those weeks, decided to postpone the activity to Monday, April 26, 2021. The Conference of Jesuit Provincials of Latin America and the Caribbean (CPAL) reported that while the activity was taking place, the university campus was surrounded by police and paramilitaries, who seized the students and their vehicles at the exits and entrances of the aforementioned university.¹⁷⁵¹

1250. The situations of political indoctrination and the UNEN as an arm of the government in the universities, has been denounced by reference media in Nicaragua. In this regard, the REDESCA notes that the news portal "El confidencial" reported that students and other members of the university community have declared that *"Unen is an arm of the Sandinista Front created to*

¹⁷⁴⁷ 100% News, [Political indoctrination in Condega-Estelí school](#), May 19, 2021

¹⁷⁴⁸ 100% News, [Political indoctrination in Condega-Estelí school](#), May 19, 2021

¹⁷⁴⁹ The Press. [UNAN-León expels five students for "carrying out actions that threaten peace"](#). Aula Abierta, [Alert published by Aula Abierta Latinoamérica](#).

¹⁷⁵⁰El Confidencial, [Demand the reinstatement of 82 university students illegally expelled from unan-Managua](#), 23 March 2021

¹⁷⁵¹ Conference of Jesuit Provincials of Latin America and the Caribbean. [Nicaragua: Police and paramilitaries besiege UCA students](#).

dominate state universities"; "they are the mobs" that carry out orders from the party", in addition to denouncing that they are an important part of the decisions of the University Council and giving votes to professors to be deans of the UNAN. A dismissed academic from unan-Managua told the aforementioned news portal that "he witnessed the perks that the deans offer to the leaders of UNEN in exchange for votes to guarantee their re-election." Finally, the news portal points out that unen lacks sympathy in the student community, the latter in accordance with what was denounced by members of the CUDJ in an interview with Aula Abierta.¹⁷⁵²

1251. On May 18, the CUDJ denounced via its official profile on the social network Facebook, that members of the UNEN were carrying out acts of propaganda to the government party (party of President Daniel Ortega) within the National Autonomous University of Nicaragua (UNAN-Managua), UNAN-RUCFA campus. The statement notes that the members of the UNEN stated that through such acts *"they expressed their autonomy and not political indoctrination."* However, these statements were rejected by the CUDJ, as there have been cases where students who have worn a piece of clothing or accessory alluding to opposition or protest symbols, have been the target of retaliation for these actions. Likewise, the REDESCA also registered the arrest of María Asunción Moreno After the intentions of the Citizens for Freedom Alliance (CxL) to nominate Professor María Asunción Moreno as a presidential candidate became public knowledge, she was summoned by the Public Ministry of Nicaragua, on July 10, 2021.¹⁷⁵³¹⁷⁵⁴¹⁷⁵⁵

1252. On July 9, 2021, according to public information, the academic herself confirmed the proposal to participate in the internal selection and present her pre-candidacy for the general elections of Nicaragua to be held on November 7, 2021. After the disclosure of the news, media reported that the summons was delivered in almost night hours of July 10, 2021, and with very few details of the reasons for the summons, where he was summoned to appear on Monday, July 12. This summons was confirmed by Professor María Asunción Moreno, through her official profile on the social network Twitter. The news portal "La Razón" confirmed that Professor Moreno made the decision to go into exile outside the country so as not to be detained. After the raid carried out by at least 30 Nicaraguan police officers on her home and having spent 16 days sheltered, she made the decision to leave the country, since according to her words to the aforementioned news portal: ¹⁷⁵⁶*You have to plan your schedule, change your hair, dress almost in disguise and cross a blind spot. I was accompanied by several people who ensured my safety. At midnight from Sunday to Monday I*

¹⁷⁵² Aula Abierta, PRELIMINARY REPORT: VIOLATIONS OF ACADEMIC FREEDOM, PEACEFUL ASSEMBLY AND OTHER RIGHTS OF NICARAGUAN UNIVERSITY STUDENTS IN THE PRE-ELECTORAL CONTEXT May-July 2021, September 13, 2021

¹⁷⁵³ The Press, "[Civic Alliance proposes the lawyer María Asunción Moreno as presidential candidate](#)", 9 July 2021

¹⁷⁵⁴ Confidential "[Public Ministry summons María Asunción Moreno, after knowing her presidential aspirations](#)", 11 July 2021; The Press, "[Public Ministry summons Maria Asuncion Moreno to interview for Monday](#)", July 10, 2021

¹⁷⁵⁵ Aula Abierta, Preliminary Report: Violations of Academic Freedom, Peaceful Assembly and Other Rights of Nicaraguan University Students in the Pre-Electoral Context, May-July 2021

¹⁷⁵⁶ The Press, "[Civic Alliance proposes the lawyer María Asunción Moreno as presidential candidate](#)", 9 July 2021 "Prosecutor's Office summons María Asunción Moreno on the day she announces pre-candidacy." Available in: <https://nicaraguainvestiga.com/politica/55137-fiscalia-cita-a-maria-asuncion-moreno-el-dia-que-anuncio-precandidatura/>. See: Press release "Prosecutor's Office summons María Asunción Moreno after announcing her presidential aspirations." Available in: <https://www.vostv.com.ni/politica/18886-fiscalia-cita-a-maria-asuncion-moreno-a-solo-horas/>

*left. You breathe when you set foot in another territory. You know the dictatorship isn't going to be able to catch you."*¹⁷⁵⁷

1253. Similarly, the REDESCA also received information on the arrest of Arturo Cruz Sequeira, a professor and academic at the Central American Institute of Business Administration (INCAE). Mr. Cruz ran as a presidential candidate for the Citizen Alliance, a coalition of parties opposed to the party of President Daniel Ortega, for the next elections in Nicaragua in November 2021.¹⁷⁵⁸ Professor Cruz was arrested on June 5, 2021, when he was returning from the United States of America, at the Augusto C. Sandino International Airport, for an investigation into alleged acts that threaten national sovereignty. It is currently being investigated under Article 1 of Law 1055, known as the "Law of Sovereignty". Nicaragua's Attorney General's Office¹⁷⁵⁹ reported that Cruz had been arrested on suspicion of attacking Nicaraguan society.¹⁷⁶⁰

1254. Likewise, the REDESCA expresses its deep concern over the arrests registered on July 5, 2021 of Lesther Alemán and Max Jerez, university student leaders. According to the government, both students would be prosecuted as leaders of seizures and destruction of the Polytechnic University of Nicaragua (UPOLI) and the National Autonomous University of Nicaragua (UNAN). In the same statement, government authorities indicate that in the context of the 2018 protests they would have carried out assaults, kidnappings, extortion, rapes and destroyed property during what they call the "failed coup d'état of 2018." Additionally, it mentions that they are being investigated for carrying out acts that undermine independence, sovereignty and self-determination, for inciting foreign interference in internal affairs, among other behaviors typified in Law No. 1055. To date, according to information provided by the relatives of the students, both would have lost weight considerably and would not be receiving the required attention. They also added that they would be allowed to receive hours of sunshine and that they have been subjected to interrogations described as intense and recurrent.¹⁷⁶¹¹⁷⁶²

1255. The REDESCA reiterates its absolute rejection of the acts of intimidation, harassment and harassment perpetrated against student leaders and other persons associated with the academic community in the country by the State as a whole. In this regard, the Office of the Special Rapporteur recalls that it is the State's obligation to ensure the construction of contexts and environments free of harassment or threats, without hindering the exercise of teaching and other academic activities, particularly in the context of the pandemic.¹⁷⁶³

¹⁷⁵⁷ Press release "María Asunción Moreno: "Leaving is an almost movie theme. You have to plan your schedule, change your hair, dress almost in disguise and cross a blind spot." Available in: <https://www.larazon.es/internacional/20210801/ppr4ljkp5a6nkv2grlchk63fu.html>

¹⁷⁵⁸ Official biography of Arturo Cruz Sequeira. Available in: <https://arturocruzsequeira.com/biografia/>

¹⁷⁵⁹ Statement "[UPDATE ON THE SITUATION OF PROFESSOR ARTURO CRUZ](#)"; Week, "[Nicaraguan Presidential Candidate Arturo Cruz Arrested](#)".

¹⁷⁶⁰ Aula Bierta, PRELIMINARY REPORT: VIOLATIONS OF ACADEMIC FREEDOM, PEACEFUL ASSEMBLY AND OTHER RIGHTS OF NICARAGUAN UNIVERSITY STUDENTS IN THE PRE-ELECTORAL CONTEXT May-July 2021, September 13, 2021

¹⁷⁶¹ Nicaraguan National Police, Press Release No. 181-2021

¹⁷⁶² The Press, [Peasant and student leaders serve 100 days in detention](#), October 13, 2021

¹⁷⁶³ IACHR, IACHR and its REDESCA Urge Nicaragua to Immediately Cease Harassment of the Medical Sector, July 28, 2021

1256. In this line, the REDESCA recalls that universities are a fundamental pillar for democracy, whose essential element is criticism and plurality. In this regard, it urges the State to adopt measures aimed at guaranteeing university autonomy, including the allocation of the adequate budget for the functioning of university institutions and guaranteeing that payroll payments for public university staff are made through an independent and impartial system that protects academic freedom and expression.¹⁷⁶⁴

G. Human Mobility and ESCER

1257. In relation to the guarantee of ESCER in the context of human mobility, the REDESCA notes that the authorities of Costa Rica and Nicaragua renewed on Friday an agreement that will allow the temporary entry of Nicaraguan agricultural workers for the harvests of various crops on Costa Rican soil. The Ministry of Agriculture of Costa Rica reported that the agreement, in force since 2020, was renewed during a meeting in the town of Peñas Blancas, border between the two countries, with the presence of officials from the Ministries of Agriculture and Migration Institutions. To facilitate and ensure compliance with this agreement, a binational coordination committee was established, which will be composed of high-level delegates from the ministries of Agriculture and Livestock, Labor, Health, Governance and Foreign Affairs of both countries. 77

1258. On the other hand, there was knowledge of a significant deportation of people in a situation of human mobility in the country. The REDESCA takes note of Press Release No. 42/2021 of the Nicaraguan Army in which it states that the Southern Military Detachment and the 4th Regional Military Command, in the period from March 10 to 30, 2021, held 528 illegal migrants from Asia, Africa, South America and the Caribbean; Europe and Central America, who entered the country through unauthorised passages, from the Republic of Costa Rica. According to the statement, these operations would be part of the state strategy called the "Retaining Wall." The State mentioned that all COVID-19 biosecurity measures would have been complied with.¹⁷⁶⁵

1259. For its part, the REDESCA is aware that with respect to people from Nicaragua who are in exile elsewhere in the region, effective access to ESCER coverage would not yet be adequately guaranteed. Particularly in the case of people from Nicaragua who are in Costa Rica, the REDESCA has received testimonies where they have limited access to work, education, health and other rights. This could even affect access to the COVID-19 vaccine.¹⁷⁶⁶

1260. The REDESCA urges the States of the region to provide guarantees to ensure the rights of people in the Nicaraguan diaspora. It is essential that these people can continue with their life plans in the countries of destination, especially given the complex social and political context that the country is experiencing. Similarly, the REDESCA urges the State of Nicaragua to guarantee the rights of its nationals who return to their country, as well as those who are abroad and require documentation from national institutions. The State may not deny information that is publicly

¹⁷⁶⁴ IACHR, IACHR and its Special Rapporteurships Express Concern over the Situation of University Autonomy and Academic Freedom in Venezuela, July 26, 2021

¹⁷⁶⁵ Nicaraguan Army, [Press Release No. 042/2021: Detention of Illegal Migrants](#), March 31, 2021

¹⁷⁶⁶ REDESCA, [Social Media Pronouncement](#), 2 February 2021

known or any other personal data of the person who requests it in order to access health services, education or any other ESCER in the country of destination.

25) PANAMA

1261. In relation to the situation of Economic, Social, Cultural and Environmental Rights in Panama, the REDESCA has been following the challenges to the enjoyment of the right to health in an integral manner in the country, taking special note of the impacts of the pandemic and the measures adopted by the State. The REDESCA has also monitored the enjoyment of other ESCERs, such as the right to education and access to labor and trade union rights. It has also paid special attention to the impacts of climate change. Moreover, the mandate has closely monitored the human mobility situation in the country in relation to ESCER. These strategic lines of the REDESCA work agenda are addressed in greater detail below:

A. Right to Health and its Social Determinants

1262. In relation to the health emergency caused by COVID-19, the REDESCA notes that, according to figures from September 2021, Panama was about to exceed the figure of 500,000 COVID-19 infections and more than 7,000 deaths since March 2020, when the first case was detected. However, the REDESCA notes that, as of November 30, 2021, there are official data that indicate that there have been a total of 477,608 cases in the country, as well as a total of 7,362 deaths due to Covid-19. In this context, as the process of inoculation of the Panamanian population progresses, a decrease in the number of people infected daily has been observed, as well as daily deaths.¹⁷⁶⁷¹⁷⁶⁸¹⁷⁶⁹

1263. The REDESCA notes that, despite the fact that at the end of 2020 the levels of infections had shown a drastic rebound in the Central American country, at the beginning of 2021 it was possible to mitigate the second wave and reduce the number of confirmed cases daily. However, this Office of the Special Rapporteur has also been able to warn that, while progress was being made in the national vaccination process, Panama suffered a third wave, in which the figures of mid-May in terms of infected people almost doubled, in addition to shooting above the line of 10,000 active cases, after achieving a minimum last March. On the other hand, PAHO said that, as of October 30, 2021, 5,817,921 vaccines against Covid-19 have been applied in Panama according to the MYP report. Specifically, 3,040,072 (88.1%) have been applied in the first dose; 2,673,213 in second doses; 99,382 booster doses and 5,254 in third doses.¹⁷⁷⁰¹⁷⁷¹¹⁷⁷²

1264. The Office of the Special Rapporteur has closely followed the advances in the immunization of the Panamanian population, against which it is specified that, by mid-December 2021, the country would have a vaccination rate of more than 57% of its population. In line with the above, there are estimates that indicate that Panama will be one of the first in Central America to immunize 70% of its population, which would be achieved by mid-2022, while other countries in the subregion

¹⁷⁶⁷ SwissInfo, [Panama reaches 459,077 cases of covid-19 and 7,073 deaths](#), 04 September 2021

¹⁷⁶⁸ Ministry of Health of Panama, [Official Communiqué No. 643](#), November 29, 2021.

¹⁷⁶⁹ SwissInfo, [Panama with notable decrease in cases and deaths from covid, according to authorities](#), August 25, 2021

¹⁷⁷⁰ EFE Agency, [Panama achieves "a control" of the pandemic after the second wave, say the authorities](#), April 22, 2021

¹⁷⁷¹ The Country, [Panama facing the third wave of Covid-19](#), June 21, 2021

¹⁷⁷² PAHO, [COVID-19 Panama Situation Report No. 66](#), November 2, 2021.

- would reach this percentage of vaccinated people at the end of 2022 or even at the beginning of 2023.¹⁷⁷³¹⁷⁷⁴
1265. The REDESCA has been able to warn that with the aim of reducing the congestion of health centers due to the pandemic, a bill for the implementation of telemedicine or "Telehealth" was approved in the country. This new law would improve access, quality and continuity for all those who want to access health services. Also, in the context of the pandemic, in March of this year the central government decided to extend for six months the validity of the decree that provides tax benefits to the import of medical supplies and personal hygiene.¹⁷⁷⁵¹⁷⁷⁶
1266. On the other hand, this Office of the Special Rapporteur also notes that the Ministry of Health announced a new plan to reduce and delay the third wave of infections. The plan focuses on the promotion of preventive health measures, traceability of cases, progress in the vaccination process, isolation of cases and quarantine of infected people, treatment of sick people, expansion of hospital capacity and a gradual return to normality taking into account various health indicators and social assistance measures. The REDESCA takes note of this, and welcomes the efforts of the state authorities to act in accordance with the provisions of Resolution 01/2021.¹⁷⁷⁷¹⁷⁷⁸
1267. Faced with the immunization process, the REDESCA notes that at the beginning of 2021, the Government activated a digital platform for the registration of people to be vaccinated. The vaccination program is developed in four phases, focusing first on risk and essential groups until progressively reaching the entire population.¹⁷⁷⁹
1268. The Office of the Special Rapporteur notes that Panama has only contracted on vaccination issues with the pharmaceutical companies Pfizer and AstraZeneca. From the first doses applied in January 2021, Panama began with a vaccination process that has been increased as the arrival of new doses, both by direct purchase and through the COVAX mechanism. To date, the country has more than 4 million doses applied in a population of 4.28 million inhabitants.¹⁷⁸⁰
1269. The REDESCA welcomes that Panama would be among the States that have secured vaccines against the disease for 100% of its population with the acquisition of a total of 9.2 million doses. It is estimated that 70% of Panamanians will be vaccinated by mid-2022.¹⁷⁸¹¹⁷⁸²

¹⁷⁷³ Macro data, [Panama - COVID-19 - Vaccines administered](#), December 19, 2021

¹⁷⁷⁴ Panama America, [Panama and Costa Rica would be the first countries in Central America to immunize 70% of their population](#), July 27, 2021.

¹⁷⁷⁵ TVN News, [Bill approved for implementation of Telehealth in Panama](#), 03 February 2021

¹⁷⁷⁶ Central America Data, [Medical Supplies: Extend Tariff Benefits](#), March 24, 2021

¹⁷⁷⁷ The Press, [Minsa announces new prevention plan to delay the arrival of the third wave of Covid-19](#), 01 June 2021

¹⁷⁷⁸ IACHR - REDESCA, [Resolution No. 1/2021](#), April 6, 2021.

¹⁷⁷⁹ Republic of Panama, Ministry of the Presidency, [National Government presents National Vaccination Plan against Covid-19](#), January 12, 2021

¹⁷⁸⁰ EFE Agency, [Panama has applied more than four million doses of vaccines against covid](#), August 23, 2021

¹⁷⁸¹ The Press, [Panama has doses of vaccines for 100% of the population: IMF and WHO](#), August 16, 2021

¹⁷⁸² Panama America, [Panama and Costa Rica would be the first countries in Central America to immunize 70% of their population](#), 27 July 2021

1270. The REDESCA notes with concern some allegations of irregularities in the vaccination process in the country, since progress would have been made with the vaccination of deputies in the National Assembly without this being provided in the vaccination schedule or authorized by the competent authorities. Likewise, the Office of the Rapporteur learned about a ¹⁷⁸³VIP vaccination event in favor of a former president and his family group, who would have received their vaccines at their private home. On the other hand, the existence of undeclared or "clandestine" vaccination centers in which a sum of money would be charged to access the vaccine has been denounced.¹⁷⁸⁴¹⁷⁸⁵

1271. In relation to the above, in a context where vaccines have become an essential asset, the REDESCA recalls that States must articulate monitoring mechanisms on the distribution and application of vaccines against COVID-19. In this sense, Panama has the duty to eradicate any act of corruption in the field of distribution and application of vaccines, seeking to prevent and punish acts of corruption and that they be used as gifts or personal and / or political favors.¹⁷⁸⁶

B. Climate Emergency and Human Right to Water

1272. The REDESCA notes that Panama, despite being a country with a high availability of drinking water, would not guarantee access to all people. The degradation of water bodies, the lack of sanitation and the impossibility of reaching indigenous and rural communities are the main reasons why the human right to drinking water is not guaranteed to all people. Faced with this situation, the REDESCA expresses its concern and recalls the State's obligation to guarantee the ESCER of the persons under its jurisdiction. Therefore, a call is made to all State authorities to promote, in the exercise of their functions, actions that promote access to water for all people in the country.¹⁷⁸⁷

1273. On the other hand, the REDESCA observes a repeated problem in relation to floods in different regions of the country, which have caused on different occasions affectations and violation of the ESCER of the populations and their inhabitants. In particular, some of the affected regions have been Palenque, Unión Santeña and La Guaira in the district of Santa Isabel. In the same sense, the REDESCA has been able to warn important information about floods in El Nance and Concepción, El Cucuy, La Estrella and Natá.¹⁷⁸⁸¹⁷⁸⁹

1274. In this context, the REDESCA welcomes the start of the construction of the National Climate Action Plan, which would allow the country to have a roadmap for the implementation of its climate commitments. Likewise, the mandate notes that for the elaboration of the same,

¹⁷⁸³ SwissInfo, [Controversy in Panama over vaccination of deputies against covid](#), May 21, 2021

¹⁷⁸⁴ The Press, [VIP vaccination for Pérez Balladares and his family](#), June 10, 2021

¹⁷⁸⁵ AP News Panama and Costa Rica would be the first countries in Central America to immunize 70% of their population. [Clandestine vaccination against COVID-19 angers Panamanians](#), 01 July 2021

¹⁷⁸⁶ IACHR. Resolution 1/2021. Covid-19 vaccines in the framework of inter-American human rights obligations, April 06, 2021

¹⁷⁸⁷ The Star of Panama, [Importance and security of water resources in Panama](#), 14 July 2021

¹⁷⁸⁸ PAHO, [Monitoring of natural disasters](#), January 11, 2021.

¹⁷⁸⁹ SINAPROC, [Situations of the last days](#), November 19, 2021.

workshops would be carried out with the participation of members of the public sector, academia, civil society, indigenous communities, young people and groups in vulnerable conditions. In addition to recognizing the importance of these actions, the Office of the Special Rapporteur ESCER takes the opportunity to urge the State to ensure that the full guarantee of human rights is at the heart of the National Plan. This is taking into account that there is a special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty.¹⁷⁹⁰¹⁷⁹¹¹⁷⁹²

C. Business and Human Rights

1275. The Office of the Rapporteur takes note of the cooperation agreement signed by the BBVA *Microserfin* Foundation in conjunction with UNHCR and the Red Cross to continue promoting the financial inclusion of the refugee population, by facilitating access to financial services, accompaniment, and a value offer designed for their needs, which enhance their socioeconomic integration in Panama.¹⁷⁹³

1276. On the other hand, the REDESCA takes note of the eviction carried out on a group of 300 indigenous families produced in the area called territory of the Sacred Site of Tabasará, which belongs to the Reserve of the Ngäbe Buglé region. This act would have been carried out within the framework of a struggle that the native people have been giving against the installation of the Barro Alto hydroelectric company. In this regard, the REDESCA reiterates the need for States to adopt appropriate measures to prevent the real risks against human rights arising from the actions of companies of which they have or should have knowledge from materializing. In addition, once the possible impacts and concrete risks have been identified, States must adopt, or where appropriate, require and ensure that the company involved implements the corresponding protection measures.¹⁷⁹⁴¹⁷⁹⁵

D. Labor and Trade Union Rights

1277. At the beginning of 2021, the biggest complaint of social organizations and unions in the country continued to be the massive suspension of labor contracts. In this regard, the REDESCA learned about a series of measures ordered by the national government that would have affected the labor rights of different groups of workers. Such would have been the case with the suspension of contracts of construction workers without the corresponding payment of wages, who came out

¹⁷⁹⁰ Ministry of Environment, [Panama begins construction of the National Climate Action Plan](#), 30 July 2021

¹⁷⁹¹ Ministry of Environment, [Panama begins construction of the National Climate Action Plan](#), 30 July 2021

¹⁷⁹² IACHR and REDESCA, Press Release No. 276, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on states and the international community to address the situation of those affected](#), November 17, 2020.

¹⁷⁹³ Radio Panama, [Renewed alliance to boost the financial inclusion of refugees in Panama](#), June 25, 2021

¹⁷⁹⁴ The Star of Panama, [Indigenous families who lived near the Barro Blanco hydroelectric plant evicted](#), July 15, 2021

¹⁷⁹⁵ IACHR - REDESCA, [Report on Business and Human Rights Inter-American Standards](#), 2019.

- to demonstrate against these measures. On the other hand, the REDESCA takes note of the multiple dismissals of administrative personnel in different schools in the country.¹⁷⁹⁶¹⁷⁹⁷
1278. Likewise, the Office of the Rapporteur learned that 40% of the suspended workers would not have received the solidarity bonus implemented by the Government to counteract the non-payment of wages.¹⁷⁹⁸
1279. As a result of these measures and given the effects caused by the pandemic, unemployment could reach 20%, according to the Ministry of Labor and Labor Development (Mitradel). Similarly, the Ministry indicated that in July, they had been suspended from their contracts¹⁷⁹⁹.
1280. Faced with this situation, the REDESCA reiterates the need to ensure labor rights and stability in the context of the pandemic. In particular, Resolution 1/2020 adopted by the IACHR refers to the fact that labor rights are part of the human rights that may be particularly affected as a result of the pandemic, one of which being considered the right to work. For this reason, the State is called upon to protect the human rights, and particularly the ESCER, of workers most at risk from the pandemic and its consequences. To this end, it is a priority to take measures to ensure economic income and livelihoods of all workers, so that they have equal conditions to comply with containment and protection measures during the pandemic, as well as conditions of access to food and other essential rights.¹⁸⁰⁰
1281. On the other hand, the REDESCA takes note of the labor circulation protocol signed by Panama and Costa Rica that will allow workers, mainly in the banana sector, to be able to circulate on the border shared by both countries to the extent that the sanitary measures imposed against COVID-19 are complied with.¹⁸⁰¹
1282. Finally, the REDESCA takes note of the efforts of the Panamanian State in matters of maternal jurisdiction, which among others, is reflected in the sanction of Law 548 made by the President of the Republic of Panama on September 15 of this year. In this regard, it should be noted that this law seeks to extend the scope of the maternity jurisdiction to the father, in particular, in the case of death of the mother during childbirth or in the following days or months, the spouse who has public or private employment will enjoy paternity jurisdiction until the end of one year from the birth and will also be entitled to 15 working days of early vacation, after complying with the time of mourning established by law. In turn, the law establishes that when the pregnant woman does not have a formal job, the father will enjoy the scope of the jurisdiction and may not be dismissed

¹⁷⁹⁶ EFE Agency, [Trade unionists will challenge decrees governing the suspension of contracts in Panama](#), December 31, 2020

¹⁷⁹⁷ The Century, [Asoprof denounces dismissals of administrative staff in educational centers](#), 04 January 2021

¹⁷⁹⁸ TVN News, [Conato warns that 40% of suspended workers do not receive the solidarity bonus](#), 14 January 2021

¹⁷⁹⁹ The Press, [Mitradel: unemployment in Panama will reach 20%](#), July 19, 2021

¹⁸⁰⁰ IACHR, [Resolution 1/2020](#), April 10, 2020.

¹⁸⁰¹ The Star of Panama, [Panama and Costa Rica sign binational labor circulation protocol](#), 20 July 2021

from his public or private employment for the months that the gestation lasts and after childbirth, for the term of one year, except in special cases provided for in the corresponding law.¹⁸⁰²

E. Fiscal and Economic Policies

1283. Within the framework of fiscal and economic policies, the REDESCA recognizes the measures implemented by Panama for the progressive development of economic, social, cultural and environmental rights. In this regard, the national government approved in March a new tax amnesty law, which is estimated to benefit 35,000 taxpayers and generate savings of \$ 29 million for the deduction of interest, surcharges and purposes that could be used to reactivate jobs and reactivate the economy.¹⁸⁰³

1284. On the other hand, the subsidies that the government began to deliver to the Panamanian population have been maintained in order to ensure sufficient income or means of subsistence. In this sense, subsidies for basic services such as gas, electricity, as well as the Educational – Universal Social Assistance Program (U Pass), the Guardian Angel Program for people with disabilities and the "120 to 70" Program aimed at helping older adults have continued and have even increased. To this are added the social aid that is destined through the Panama Solidario program.¹⁸⁰⁴

1285. In this regard, the Office of the Rapporteur takes note of the Panamanian State's intention to mitigate the consequences that the COVID-19 pandemic has generated in the country. For this reason, the National Family Farming Policy is highlighted, which Panama implemented jointly with the Food and Agriculture Organization of the United Nations (FAO), as an instrument that contributes to the fight against hunger and the transformation of food systems in the country. The main objective of this policy is the fight against the Sixth Frontier of hunger, malnutrition, lack of health and opportunities for the poorest sectors of Panamanian society. In addition, it should be noted that this policy has had, since its inception, the support and backing of international cooperation, since the Government of Mexico, through its joint initiative with FAO - the "Mesoamerica without Hunger AMEXCID-FAO" program - has accompanied the definition of action plans and the formation of structures that facilitate their implementation and the follow-up to the actions foreseen in it.¹⁸⁰⁵

F. Education, science, technology: academic freedom and university autonomy

1286. Panama, after 16 months, became the country in the world with the highest number of days without face-to-face or blended education. As of May, only 78 schools out of a total of 3,100 had started blended classes.¹⁸⁰⁶¹⁸⁰⁷

¹⁸⁰² Presidency The law that extends the maternal jurisdiction will be regulated by the Executive and will come into force the day after the state of emergency is lifted due to the Covid-19 pandemic, September 15, 2021.

¹⁸⁰³ Central America Data, [Panama: Tax amnesty until the end of 2021](#), 25 March 2021

¹⁸⁰⁴ Free Metro, [Economists: Subsidies have helped resist the pandemic](#), 09 August 2021

¹⁸⁰⁵ ANPanama, [Panama with FAO launches family farming policy](#), September 15, 2021.

¹⁸⁰⁶ UNICEF [16 months without face-to-face education for children and adolescents in Panama](#), 12 April 2021

¹⁸⁰⁷ SwissInfo, [Few schools reopen in Panama after more than a year closed due to the pandemic](#), May 31, 2021

1287. According to UNICEF, the prolonged closure of classrooms will have a strong impact on student learning, as well as increase inequality, poverty, violence, teenage pregnancy and will affect the mental health of children and adolescents, it is estimated that the total number of students affected amounts to a total of 900,000.¹⁸⁰⁸¹⁸⁰⁹
1288. On the other hand, a study prepared by the Inter-American Development Bank (IDB) and the Center for Educational and Social Studies projected an educational exclusion of 19% due to the long period of school closures and the impact of the COVID-19 pandemic on the family economy.¹⁸¹⁰
1289. The REDESCA calls on the state authorities of Panama to implement all the necessary actions to ensure the right to education in the context of the pandemic. In particular, and in accordance with the provisions of Resolution 1/2020 of the IACHR, it is necessary to have effective mechanisms that allow children and adolescents access to education, with the stimuli that their age and level of development require.¹⁸¹¹

G. Human Mobility and ESCER

1290. In January, the REDESCA observed that the restrictions taken by countries as a result of the pandemic have increased the number of people who decide to migrate. The number of migrants crossing the border corridor between Panama and Colombia is historic and the same authorities would not be sure of an exact figure. It is estimated that about 25 thousand people have crossed the border from Colombia to Panama in recent years and from January to August 2021 the number has doubled. Only in the month of July there would have been more than 19 thousand. This is especially relevant, since official figures indicate that between January and October 2021 more than 121,000 migrants entered Panama on their journey to the north of the continent, predominantly using the Darien route.¹⁸¹²¹⁸¹³¹⁸¹⁴
1291. In the sense of the above, the REDESCA follows with special attention and concern the critical situation in which thousands of migrants who are stranded on the border with Colombia live and the absence of guarantees of their ESCER, while they do not have access to basic services and experience poor nutrition and poor hygiene and sanitation conditions. A case of special attention is that of Bajo Chiquito, the first stop on the Panama side, for those people who cross the border on foot, who claim to be without drinking water and adequate bathrooms, sleeping in tents and without medical attention.¹⁸¹⁵
1292. The REDESCA calls on Panama to adopt measures to guarantee ESCER for people in situations of mobility without discrimination, as well as to promote regional actions for the adequate

¹⁸⁰⁸ Ibid

¹⁸⁰⁹ Rfi [In Panama, a year without schools due to the Covid-19 pandemic](#), April 8, 2021.

¹⁸¹⁰ The Press, [Educational exclusion in Panama will grow by 19%](#), 12 January 2021

¹⁸¹¹ IACHR, [Resolution 1/2020](#), April 10, 2020.

¹⁸¹² DW [The Darien Gap does not stop the growing migratory flow](#), August 12, 2021

¹⁸¹³ Ibid

¹⁸¹⁴ SwissInfo, [Migrants take route through the Pacific to avoid Panama's dangerous jungle](#), November 20, 2021.

¹⁸¹⁵ SwissInfo, [Migrants seek another life from Panama after a dangerous jungle route](#), 12 February 2021

- protection of such populations, giving priority to action on the causes of human mobility related to the right to development and the enjoyment of ESCER in the countries of origin.
1293. On the other hand, the Office of the Rapporteur is aware of the lack of protection, violence, and extreme dangers faced by those who try to enter Panama through the Darien National Park or also called the "Darien Gap," which can even lead to death.¹⁸¹⁶
1294. Faced with this situation, the Inter-American Court of Human Rights ordered that access to health services be guaranteed without discrimination for irregular migrants who are treated in shelters, which also includes tests and treatments against covid-19, as well as their inclusion in the vaccination program.¹⁸¹⁷
1295. Although the efforts that the State of Panama has made together with the State of Colombia in the implementation of measures that regulate the migratory flow are recognized, it is necessary to guarantee safe passages for migrants and to take quick and effective measures in favor of the protection and guarantee of their ESCER. In particular, it is a priority to guarantee access to adequate health services and shelters in a context where the serious direct and indirect impacts of the pandemic can be of high impact for these people in extreme vulnerability.¹⁸¹⁸
1296. On the other hand, in this context, the REDESCA recognizes the important progress that has been made in the mental health of migrants and refugees in the country, by approving the Technical Standard for Mental Health Care for the Migrant and Refugee Population, which ensures specialized medical assistance and differential treatment for those migrants and refugees who are affected by the appearance of mental disorders as a result of the major changes and losses that entail leaving behind family groups, the cultural environment and one's own place of belonging.¹⁸¹⁹
1297. The REDESCA has also received information on the efforts of the Government of Panama to provide health access to migrants crossing the Darien jungle, as doctors, nurses and auxiliary personnel have been made available 24 hours a day at the health post of the community of Bajo Chiquito, Emberá Wounaan region, the first place that migrants arrive when crossing the Darienite jungle from Colombia. Similarly, there are health posts providing medical care in the communities of Lajas Blancas and San Vicente, the other two towns where there are Migratory Reception Stations in the province of Darién. It is also important to note that these health posts have been supplied with medicines and supplies necessary to deal with cases of dehydration, blows, wounds, traumas and diseases that foreigners present when they arrive on Panamanian soil.¹⁸²⁰
1298. THE REDESCA takes note of the situation in which migrant children find themselves in Panama, in this regard UNICEF has described the Darien border as one of the most dangerous routes in the world, as the mountainous terrain, wild animals, insects and criminal organizations

¹⁸¹⁶ Doctors Without Borders, [The Darien Gap: "A nightmare with 1,001 demons"](#), 05 August 2021

¹⁸¹⁷ Yahoo News, [The Inter-American Court orders Panama to include migrants in the vaccination against covid](#), 27 July 2021

¹⁸¹⁸ France 24, [Panama and Colombia reach an agreement to avoid a migration crisis](#), 06 August 2021

¹⁸¹⁹ The Press, [Panama Becomes First in region to Provide Mental Health Care to Migrants and Refugees](#), June 24, 2021.

¹⁸²⁰ Day by day, [Migrants crossing the Darien jungle receive medical attention](#), September 18, 2021.

in the area put the lives and safety of migrants at serious risk, more in the case of children, adolescents and pregnant women. In addition, sometimes the road through this jungle separates parents from their children, because sometimes they get lost on the way and sometimes more because some adults die on the way. Some of the most frequent physical and emotional affectations that these children and adolescents can suffer are: diarrhea, vomiting, dehydration, infected bites, sadness, feeling of loneliness, aggressiveness, resistance to interaction with peers, fear, among others. While, for pregnant women, urinary tract infections, threats of premature birth and dehydration are the main threats during the tour. It should be noted that, although for UNICEF, Panama is one of the countries that has made the most important progress in being able to determine the needs of children, especially migrant and unaccompanied children, there are still many challenges to make sustainable the services of care and accompaniment of migrant children and women.¹⁸²¹

1299. In this context, the Office of the Rapporteur on ESCER highlights the importance and importance of the implementation of training for police officers on the socialization of the human rights monitoring guide for migrants. This training has sought to promote awareness of the motivations of people in situations of human mobility to leave their countries behind; and to weigh the work of the institution's officers, who face difficulties in exercising the function of protecting human rights.¹⁸²²

¹⁸²¹ TVN News, [The harsh reality of migrant children, what is Panama doing?](#), October 7, 2021.

¹⁸²² Radio Panama, [Ombudsman's Office trains officers on socialization of human rights monitoring guide for migrants](#), October 6, 2021.

26) PARAGUAY

1300. Regarding the situation of ESCER in Paraguay, the Office of the Special Rapporteur has followed up on the enjoyment of the right to health in the country in the context of the COVID-19 pandemic, taking special note of the impacts on the right to education, labor rights, and the fiscal or economic policies adopted. In the same vein, the REDESCA has monitored the environmental situation in the country, in particular the fires in the region that affect ancestral indigenous peoples. On the other hand, the mandate has been following the enjoyment of the right to education and labor and trade union rights, as well as the situation of human mobility. Below, all of the above is developed in more detail.

A. Right to health and its social determinants

1301. The REDESCA has been monitoring with special concern the challenges to the guarantee of the right to health in Paraguay, and in particular, has closely followed the reports of the significant increase in infections and deaths due to COVID-19 in 2021.

1302. According to the Ministry of Public Health of Paraguay, at the close of November 22, 2021, there are 462,331 confirmed cases of COVID-19 and a total of 16,363 deaths in the country. Faced with this scenario, the Office of the Special Rapporteur observes that the government has implemented a series of measures to prevent the spread of the virus, such as closing borders and suspending schools. The average number of new cases remained around 1,000 per day until February 2021, but increased significantly from March to around 2,200 cases per day, driven by the circulation of the Brazilian gamma virus mutation, reaching the highest proportional number of coronavirus deaths in South America. Similarly, in June 2021, Paraguay reached the position of being the first country in the world in number of deaths per million inhabitants.¹⁸²³¹⁸²⁴¹⁸²⁵

1303. In this context, in the midst of the coronavirus pandemic, there have been worrying situations, mainly between the months of March to June 2021, of a serious situation in the country's public health, due to the lack of essential medicines, lack of oxygen, crowded health centers and hospitals, absence of beds available for all patients. In the midst of the collapse of public hospitals in Paraguay, the Office of the Special Rapporteur learned that Paraguay's Minister of Health, Julio Mazzoleni, resigned due to the lack of basic medicines and vaccines for COVID-19.¹⁸²⁶¹⁸²⁷¹⁸²⁸

1304. Regarding the shortage of medicines, oxygen and medical supplies, the REDESCA recalls that among the obligations of the States is to ensure compliance with several elements in health, such as availability, accessibility, acceptability and quality, specifying that the element of accessibility includes economic accessibility (affordability). Therefore, the Office of the Rapporteur on ESCER calls on the State to abide by the guidelines on the protection of the right to health of people with

¹⁸²³ Ministry of Public Health and Welfare of Paraguay, [COVID-19 in Paraguay](#), November 23, 2021

¹⁸²⁴ IMF [Policy responses to Covid-19: Paraguay](#), retrieved 28 September 2021

¹⁸²⁵ The nation, [COVID-19: Paraguay remains first in the world in deaths per million inhabitants](#), June 17, 2021

¹⁸²⁶ The nation, [Health recognizes that the provision of oxygen to hospitals continues to be critical](#), June 3, 2021

¹⁸²⁷ The nation, [COVID-19: "We are in a more than terrifying scenario"](#), March 29, 2021

¹⁸²⁸ AP News, [Paraguay: Health Minister resigns due to lack of COVID supplies](#), 5 March 2021

- COVID-19, which, for the prevention, comprehensive treatment and care of these, implies that States adopt immediate measures aimed at ensuring, on a sustained, egalitarian and affordable basis, accessibility and the supply of quality goods, services and information.¹⁸²⁹¹⁸³⁰
1305. On the other hand, the Office of the Special Rapporteur of THE ESCER welcomes the approval of Government Decree No. 5075, which provided for the reduction of the Value Added Tax (VAT) from 5% to 0.5% until December 31, 2021 for 79 medicines, vaccines and more than 140 inputs, including reagents. This provision would reduce the tax base by 90% and facilitate the importation of medicines and vaccines.¹⁸³¹
1306. Additionally, the REDESCA had information on the extra cost of medicines sold to people with COVID-19 in the country. Therefore, it welcomes the measure of the Ministry of Health of Paraguay to sanction with fines private hospitals that abuse the price of medicines for the treatment of people with COVID-19¹⁸³². Some private sector hospitals would decide to exclusively use the medicines they have in stock and do not allow family members to buy them outside. Therefore, the Office of the Special Rapporteur highlights the duty of States to supervise companies to comply with human rights standards, especially during the pandemic¹⁸³³.
1307. Regarding vaccination, the REDESCA notes that the data as of November 19, 2021 indicate that 5,921,882 doses of the vaccine have been applied in Paraguay, so 3,279,439 people have been vaccinated. Of this total, 2,557,956 people are fully immunized, corresponding to 35.86% of the population. Likewise, the REDESCA notes that, on November 22, 2021, Paraguay began the vaccination campaign against COVID-19 in educational centers for young people between 12 and 17 years old.¹⁸³⁴¹⁸³⁵
1308. The Office of the Special Rapporteur learned that the slow start of the vaccination campaign is mainly due to delays in the delivery of vaccines. Paraguay has contracted 4.2 million doses of vaccines under the COVAX initiative, but delayed receiving all doses. In February 2021, the country signed a contract with the Russian Investment Fund for the delivery of 1 million Sputnik V vaccines. Of the coronavirus vaccines, the country has received Sputnik V, Covaxin, Sinopharm, Pfizer and AstraZeneca.¹⁸³⁶¹⁸³⁷¹⁸³⁸
1309. On the other hand, the REDESCA notes with satisfaction that there was international cooperation for the donation of vaccines to the State of Paraguay by the following countries: The United States, Qatar, India, Spain, Mexico, Chile, Colombia, the United Arab Emirates and Uruguay.

¹⁸²⁹ IACHR, [Pandemic and Human Rights in the Americas](#), Resolution 1/2020, 10 April 2020

¹⁸³⁰ IACHR, [Human Rights of People with COVID-19](#), Resolution No. 4/2020, July 27, 2020

¹⁸³¹ Virtual Economy, [The Government reduced VAT from 5% to 0.5% for 79 medicines and supplies](#), April 6, 2021

¹⁸³² The Nation, [Health announces fines for sanatoriums that sell medicines at extra cost](#), April 6, 2021

¹⁸³³ The Nation, [Health announces fines for sanatoriums that sell medicines at extra cost](#), April 6, 2021

¹⁸³⁴ Macro data, [Paraguay - COVID-19 - Vaccines administered](#), November 23, 2021

¹⁸³⁵ Infobase, [Paraguay launched COVID-19 vaccination campaign in schools](#), November 23, 2021

¹⁸³⁶ IMF, [Policy responses to Covid-19: Paraguay](#), retrieved 28 September 2021.

¹⁸³⁷ MSPBS, [More COVID-19 vaccines arrived in Paraguay](#), May 14, 2021

¹⁸³⁸ AA [After long months of struggle, Paraguay finally manages to reduce COVID-19 deaths](#), August 12, 2021

In this regard, the REDESCA recognizes the donor States and reinforces that Resolution 1/2021 of the IACHR establishes that international cooperation must be guided by the principle of international solidarity, and is crucial for the equitable distribution of vaccines to respond to the realities and needs of all States in the region. with special attention to those with less financial, institutional and technological capacity, so it is essential to guide efforts to facilitate the implementation of tools and mechanisms that seek to guarantee the development and production of tests, treatments and vaccines against COVID-19.¹⁸³⁹¹⁸⁴⁰

B. Climate Emergency and Human Right to Water

1310. Faced with the issue of the climate emergency, the Office of the Special Rapporteur notes that Paraguay, according to information from the State, emits what would represent 0.09% of total global emissions. In July 2021¹⁸⁴¹, the State updated its Nationally Determined Contribution (NDC), ratifying the commitment to reduce its greenhouse gas (GHG) emissions by 20% by 2030, of which 10% of that commitment is conditional on the support received from the international community. Additionally, the REDESCA welcomes the fact that the document has incorporated sectoral mitigation plans, as well as transversal axes such as climate risk management, the gender perspective, attention to indigenous peoples, citizen climate empowerment and technology and research.¹⁸⁴²

1311. Without prejudice to the foregoing, the Office of the Special Rapporteur was aware with concern of the study published by the base-IS institution, which indicates that the commitments assumed by Paraguay are insufficient or irrelevant, considering that the State would have a very high rate of climate and environmental pollution, concentrated, in particular, in the agriculture, forestry and other land uses sector and would have as main elements, deforestation and the advance of the agricultural frontier – extensive agriculture and livestock.¹⁸⁴³

1312. On the other hand, the REDESCA observes with concern the various foci of fires in Paraguay since the beginning of August 2021. According to the official report, on September 21, 2021, 1221 fire outbreaks and 243 heat sources were registered in the country. It is also following the

¹⁸³⁹ United Nations [Covid-19 vaccines did not arrive in Paraguay on time, denounces its president](#), 24 September 2021

¹⁸⁴⁰ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 1

¹⁸⁴¹ Paraguay, National Commission on Climate Change, [National position of the Republic of Paraguay before the twenty-sixth conference of the parties to the United Nations Framework Convention on Climate Change \(UNFCCC\)](#), 2021, retrieved November 23, 2021

¹⁸⁴² Paraguay, National Commission on Climate Change, [National position of the Republic of Paraguay before the twenty-sixth conference of the parties to the United Nations Framework Convention on Climate Change \(UNFCCC\)](#), 2021, retrieved November 23, 2021

¹⁸⁴³ BASE-IS, Guillermo Achucarro, [Evaluation report of "Nationally Determined Contributions" in Paraguay](#), December 2020, retrieved 23 November 2021

information of the Ministry of the National Emergency Secretariat (SEN) of Paraguay on the mitigation and fight against forest fires.¹⁸⁴⁴¹⁸⁴⁵

1313. In this context, the REDESCA, in particular, expresses its concern about the fires that affected the region occupied by the indigenous organizations Paĩ Retã Joaju and Paĩ Jopotyra. According to a statement published on August 26 by these associations, the forest fire spread to the areas that compromise the rock art that the indigenous people have preserved for more than 5,000 years. Therefore,¹⁸⁴⁶ they denounced the lack of responses from state institutions that makes the fires put the archaeological heritage at risk and vulnerability, and requested state mechanisms to protect indigenous territory, especially within the framework of the Convention on Biological Diversity signed by Paraguay, contemplated in Law 253/93.¹⁸⁴⁷
1314. In this scenario, the REDESCA recalls that the destruction of forests not only contributes to the climate crisis, but also causes the forced displacement of communities, the loss of subsistence lands and the serious risk to the subsistence of indigenous peoples in voluntary isolation and the preservation of culture. In this regard, it is important to emphasize that the right to a healthy environment and the precautionary principle require effective state actions to prevent forest fires from spreading in preserved regions and affecting indigenous cultural heritage and biodiversity.
1315. In this regard, Advisory Opinion 27/2017 of the Inter-American Court of Human Rights clarifies that, in cases concerning the territorial rights of indigenous and tribal peoples, there is a relationship between a healthy environment and the protection of human rights, because "the right to collective ownership of these is linked to the protection and access to resources found in the territories of the peoples, for these natural resources are necessary for the very survival, development and continuity of the lifestyle of these peoples."¹⁸⁴⁸
1316. In addition, the American Declaration on the Rights of Indigenous Peoples affirms the right of indigenous peoples to live in harmony with nature and to a healthy, safe and sustainable environment, as essential conditions for the full enjoyment of the right to life, spirituality, worldview and collective well-being. It also provides that indigenous peoples have the right to the recognition and protection of their tangible and intangible cultural heritage, and that States adopt the necessary measures to that end in consultation and coordination with them.¹⁸⁴⁹
1317. Similarly, the REDESCA notes with concern the information that at least seven indigenous communities were violently evicted from their lands in 2021 in Paraguay and are now being occupied by Brazilian soybean producers. In addition to regretting what happened, the REDESCA

¹⁸⁴⁴ Ministry of environment and sustainable development, [Report of Heat Sources on the Republic of Paraguay](#), 21 September 2021

¹⁸⁴⁵ SEN <https://www.sen.gov.py/index.php/noticias/prosigue-combate-incendios-forestales>, August 26, 2021.

¹⁸⁴⁶ ABC <https://www.abc.com.py/nacionales/2021/08/26/incendios-arte-rupestre-corre-peligro-advierte-pueblo-pai-tavytera/>, August 26, 2021

¹⁸⁴⁷ ABC <https://www.abc.com.py/nacionales/2021/08/26/incendios-arte-rupestre-corre-peligro-advierte-pueblo-pai-tavytera/>, August 26, 2021

¹⁸⁴⁸ Inter-American Court, Advisory Opinion 27/17 of November 15, 2017

¹⁸⁴⁹ [American Declaration on the Rights of Indigenous Peoples](#), AG/RES. 2888 (XLVI-0/16)(15 June 2016), arts. XIX.1, XXVIII

urges the Paraguayan State to adopt measures to stop these actions, while ¹⁸⁵⁰recalling the preservation of indigenous communities.

1318. Regarding the right to water, the REDESCA was aware of the diagnosis of the water and sanitation sector in Paraguay, which reports that much of the country's pipeline infrastructure is in critical condition, generating drinking water losses of around 47% due to old pipe networks that use low-quality equipment and a distribution system based on direct pumping. As for sanitary sewerage, low coverage remains a problem in Asunción and its metropolitan area. Only 33% of the population would enjoy this service, so proper wastewater management is insufficient, as 11% of wastewater is treated before reaching the Paraguay River. ¹⁸⁵¹ Given this, the REDESCA reaffirms the importance of access to water not only as an element to combat COVID-19, but as a vital element for all living beings and the environment. For this reason, the Office of the Special Rapporteur emphasizes the urgency of creating public policies that provide a definitive solution to the problem and guarantee the right to water in accessible, affordable, and *ad hoc* conditions so that people can have a dignified and healthy life.

1319. On the other hand, the Office of the Special Rapporteur expresses its concern with the water crises affecting the country; in particular, the scarcity of rainfall has impacted the levels of the Paraná, Yguazú and Paraguay rivers, with prejudices in the capacity to supply electricity, the production and marketing of food and products. ¹⁸⁵²¹⁸⁵³ Against this background, the REDESCA calls on the State of Paraguay to seek integrated strategies and public policies for the protection of rivers, while recommending diversifying energy sources, always prioritizing those renewable and non-polluting of the environment.

C. Business and human rights

1320. Regarding the issue of business and human rights, the REDESCA is concerned about the data that 80% of Paraguay's arable land is planted with soybeans and that the expansion of production and the lack of access to land - 2% of the population concentrates 85% of the land - have led to conflicts that, since the end of the dictatorship in 1989, they have left thousands of peasants imprisoned and, according to Oxfam, 115 killed or disappeared. In this regard, the Office of the Special Rapporteur emphasizes that the production of soybeans not regulated and monitored by the Paraguayan State causes the destruction of soils, the use of agrochemicals, the planting of less food for human consumption, and serious impacts on the environment, people's health, and their livelihoods.¹⁸⁵⁴¹⁸⁵⁵

1321. Against this background, the REDESCA learned that the conflicts generated by the impact of agrottoxins and their implications in terms of damage to human rights were reported to the UN COMMITTEE ONEC. The Committee has urged the Paraguayan State to take the necessary

¹⁸⁵⁰ Last minute, [Inaction on indigenous evictions is alarming](#), July 23, 2021

¹⁸⁵¹ ESSAP, [Diagnosis of the water and sanitation sector](#), accessed on 21 September 2021

¹⁸⁵² The key, [More rainfall is needed to overcome the acute water crisis of the Paraná River](#), October 3, 2021

¹⁸⁵³ The national, [Agro-export sector registers 2 million tons stagnant due to water crisis](#), October 1, 2021

¹⁸⁵⁴ Oxfam, [Paraguay: The country where soybeans kill](#), consultation on 04 October 2021

¹⁸⁵⁵ Oxfam, [Paraguay: The country where soybeans kill](#), consultation on 04 October 2021

- measures to control the cultivation of soybeans in a manner that does not prejudice the enjoyment of social, economic and cultural rights, in particular the right to an adequate standard of living, food, water and health. The Committee further recommended that Paraguay adopt an effective legal framework for the protection of the environment, in particular against the indiscriminate use of pesticides, and impose appropriate sanctions on companies and those responsible, as well as adequate compensation to those affected.¹⁸⁵⁶
1322. Likewise, the REDESCA also takes note of the General Opinion adopted by the Human Rights Committee in relation to Communication No. 2552/2015 on the situation of the Campo Agua'ẽ Indigenous Community, located in the department of Canindeyú, district of Curuguaty, belongs to the Ava Guaraní people, one of the indigenous peoples whose existence is recognized by the Constitution of the State party as pre-existing to the formation and organization of the State. As reported, the territory of the community, located in an area of great agribusiness expansion, is surrounded by large Brazilian companies – Estancia Monte Verde, owned by Issos Greenfield International S.A., and Estancia Vy'aha, which are dedicated to carrying out extensive monoculture plantations of genetically modified soybeans.¹⁸⁵⁷
1323. Additionally, in violation of domestic regulations, the Office of the Special Rapporteur learned that both companies apply agrottoxins in their plantations without protection barriers and to the edges of the houses, the community school, the access road to the community and near the Curuguaty'y, Jejui and Lucio kue rivers. In addition, companies would apply pesticides for legal use without respecting the obligation to register them, as well as banned pesticides. In addition, the massive fumigations carried out by the two companies would threaten the biological diversity of the indigenous territory, destroying the natural resources that are not only a source of food subsistence but also of ancestral cultural practices associated with hunting, fishing, gathering in the forest and Guaraní agroecology.¹⁸⁵⁸
1324. In view of these facts, the Office of the Rapporteur emphasizes that the Human Rights Committee indicated that the Paraguayan State did not exercise adequate controls over the widely documented illegal polluting activities. This omission in their duty of protection allowed mass spraying to continue for many years in contravention of national regulations, including the use of banned pesticides, which not only caused health problems for community members - including children - but also contaminated their waterways, caused the death of their livestock and encouraged the mass extinction of fish and bees, elements that make up your private, family and domestic life.¹⁸⁵⁹
1325. In this context, the REDESCA recalls the duty of the State to carry out all actions within its power to protect the right to a healthy environment, as well as to respect and protect the cultural values and rights of indigenous peoples associated with their ancestral lands and their relationship with nature, not only through a formal recognition of this right, rather, it must be

¹⁸⁵⁶ Desc Committee, CCPR/C/126/D/2751/2016. Date of adoption of the decision: 25 July 2019

¹⁸⁵⁷ Human Rights Committee, [CCPR/C/132/D/2552/2015](#). Date of general circulation of the decision: 12 October 2021

¹⁸⁵⁸ Human Rights Committee, [CCPR/C/132/D/2552/2015](#). Date of general circulation of the decision: 12 October 2021

¹⁸⁵⁹ Human Rights Committee, [CCPR/C/132/D/2552/2015](#). Date of general circulation of the decision: 12 October 2021

accompanied by the effective compliance and application of its content, including the actions that must be demanded of the companies that are under its jurisdiction.¹⁸⁶⁰

D. Labor and Trade Union Rights

1326. Regarding labor rights, the REDESCA observes that, according to the survey of the National Institute of Statistics (INE) on the labor market in Paraguay, in the first quarter of 2021, the national labor force rate was 72.9% (3,761,255 people). The number of employed registered in the first quarter of 2021 was approximately 3,455,000 people, of which about 2,033,000 are men and 1,422,000 are women. Some 306,200 people were classified as unemployed, of whom about 145,100 were men and 161,100 women. However, the Office of the Special Rapporteur on ESCER expresses concern with the information that around 551,700 people were affected by some inconvenience of access to work, which would represent 14.5% of the active population. Because of this and taking into account the economic and health crisis, the REDESCA recommends that the State prioritize and develop public policies to generate employment and income, in order to guarantee a minimum subsistence to the population of working age.¹⁸⁶¹¹⁸⁶²

1327. On the other hand, the REDESCA recognizes the efforts of the State of Paraguay to promote, within the framework of the pandemic, teleworking. In particular, it congratulates the State on the publication of Law n. 6738/2021, which regulates teleworking and establishes the conditions of labor relations in the public and private sector, expressly guaranteeing the principles of equal treatment and conditions, voluntariness, reversibility, right to disconnection and privacy in the matter.¹⁸⁶³

E. Fiscal and Economic Policies

1328. The REDESCA notes that the COVID-19 pandemic has affected the Paraguayan economy at a time of economic recovery after the stagnation of growth in 2019. According to information from the International Monetary Fund, for the remainder of 2020 and 2021, the Paraguayan government proposed an Economic Recovery Plan totaling \$2.3 billion, focused on investment, social spending and private sector financing. Following the worsening of the COVID-19 pandemic, the government redirected the resources allocated from binational entities to the health sector and also considered renewing social transfers for formal and informal workers, as well as financial support for small and medium-sized enterprises. In this regard, the REDESCA emphasizes that these measures are essential to maintain minimum conditions and subsistence for the population and the enjoyment of economic, social and cultural rights.¹⁸⁶⁴

1329. Without detriment to the above, according to the World Bank, the country has increased its debt to 35.5% of GDP in 2021. However, the World Bank has projected that, by 2021, Paraguay

1860 REDESCA, [Business and Human Rights: Inter-American Standards](#), OAS/ Ser. L/V/II, 1 November 2019

¹⁸⁶¹ Paraguayan Information Agency, [The INE presented the results of the labor market for the first quarter of 2021](#), May 17, 2021

¹⁸⁶² Paraguayan Information Agency, [The INE presented the results of the labor market for the first quarter of 2021](#), May 17, 2021

¹⁸⁶³ Paraguay, Legislative branch, [Law n. 6738](#), June 1, 2021

¹⁸⁶⁴ IMF [Policy responses to Covid-19: Paraguay](#), retrieved 28 September 2021

will have a growth of 4.3% of GDP as the world economy recovers and consistent macroeconomic policies are put in place, mainly to contain inflation.¹⁸⁶⁵¹⁸⁶⁶

1330. On the other hand, the Office of the Special Rapporteur expresses concern with the situation of poverty in the country. According to the results of the Permanent Continuous Household Survey 2020 of the National Institute of Statistics (INE), the Paraguayan population considered poor represented 26.9% of the total population of the country, which meant that about 1,921,000 people resided in families whose per capita income was lower than the cost of a basic consumption basket. In addition, the population in extreme poverty reached approximately 280,000 people (3.9% of the population).¹⁸⁶⁷

1331. However, the REDESCA recognizes the measures taken by the REDESCA to prevent poverty from increasing. According to the aforementioned survey, the incidence of total poverty and extreme poverty at the national level would be 30.1% and 6.4%, respectively, if there were no cash transfers corresponding to the three government programs: TEKOPORÁ, pension for the ELDERLY and the PYTYVÕ program, the latter for workers who lost their jobs due to emergency measures in the face of the pandemic during the year 2020. In addition, the World Bank projects that, by 2023, poverty will return to pre-pandemic levels, stimulated mainly by higher labor incomes from the agricultural and commercial sector.¹⁸⁶⁸¹⁸⁶⁹

F. Education, science, technology: academic freedom and university autonomy

1332. Regarding the right to education, the REDESCA is concerned about the information that 6 out of 10 public educational institutions in Paraguay in 2021 need repairs, and 50% need equipment for classrooms, libraries or bathrooms. In addition, in March 2020, in the middle of the pandemic, educational centers were closed throughout the territory and reopened after 18 months, which harmed the learning of students. According to the information collected, 7 out of 10 students have not reached the minimum level in mathematics, Spanish and Guarani in the country, so it is worrying the information that attendance at educational centers does not exceed 40% of the students enrolled. In this sense, the REDESCA calls on the State of Paraguay to guarantee a safe and adequate structure of educational services, and to maintain monitoring of deserted students to avoid an increase in child labor and school evasion.¹⁸⁷⁰¹⁸⁷¹

1333. In 2021, in the face of the COVID-19 health emergency, the Government announced that it would not return to 100% physical classes, the goal would be a gradual return through the hybrid system. By 2022, Paraguay's Ministry of Education announced that classes will have an extended schedule for the public sector and free school buses as part of the educational transformation plan.¹⁸⁷² Given this, the REDESCA reinforces the need to ensure compliance with prevention measures

¹⁸⁶⁵ World Bank [Paraguay: Overview](#), retrieved 04 October 2021

¹⁸⁶⁶ World Bank [Paraguay: Overview](#), retrieved 04 October 2021

¹⁸⁶⁷ INE [Main Results of Monetary Poverty and Income Distribution – 2020](#), retrieved 04 October 2021

¹⁸⁶⁸ INE [Main Results of Monetary Poverty and Income Distribution – 2020](#), retrieved 04 October 2021

¹⁸⁶⁹ World Bank [Paraguay: Overview](#), retrieved 04 October 2021

¹⁸⁷⁰ Last Minute, [Schools are still in crisis, despite millionaire funds in municipalities](#), September 16, 2021

¹⁸⁷¹ Last Minute, [Schools are still in crisis, despite millionaire funds in municipalities](#), September 16, 2021

¹⁸⁷² ABC [The MEC plane um 2022 com classes with extended hours and free school buses](#), 29 July 2021

in the context of the pandemic when returning to face-to-face classes, in order to guarantee satisfactory conditions for students and teachers.

1334. At the same time, the REDESCA learned of national mobilizations and strikes by teachers and education workers demanding compliance with the 16% salary adjustment to reach the basic professional salary. For its part, the Ministry of Finance plans a salary increase for teachers of 8%. The Office of the Rapporteur urges the State to pay special attention to the education and teaching sector in view of the fact that it requires restructuring, valorization of education professionals, and planning to ensure quality education.¹⁸⁷³

G. Human Mobility and ESCER

1335. Regarding the issue of human mobility and ESCER, the Office of the Special Rapporteur notes that 160,519 immigrants live in the country, which would represent 2.24% of the Paraguayan population. Migrants in Paraguay come mainly from Brazil (47.11%), Argentina (36.47%) and Uruguay (1.87%). However, the REDESCA expresses its concern with the situation and living conditions of Venezuelan migrants. According to research published in 2021 by the UN Migration, compared to other Latin American countries, the flow of refugees and migrants from Venezuela to Paraguay has grown relatively slowly. At the end of October 2019, there was a migratory balance of 1435 people. However, in 2021, the arrival of Venezuelan migrants and refugees to Paraguay quadrupled in number, totaling 5298 Venezuelans.¹⁸⁷⁴¹⁸⁷⁵

1336. Regarding the guarantee of the right to work, the UN study revealed that 40% of Venezuelans who participated in the survey would be working. However, the Office of the Special Rapporteur notes with concern that 33% of the total were unemployed, 27% would be self-employed, and 58% of the people surveyed would be working in the informal sector, while 37% were working in the formal sector. In relation to the right to housing, the survey identified that, as a result of the health crisis, 39% of the people surveyed stated that they had to move to cheaper housing, 5% had to start sharing housing expenses with other people, 3% were evicted or involuntarily expelled from their home, 3% stated that an acquaintance had to take them into their home, and 2% became homeless.¹⁸⁷⁶¹⁸⁷⁷

1337. Therefore, the REDESCA calls on the State to adopt specific measures so that people in a situation of migration can enjoy their economic, social and cultural rights without discrimination, especially the right to work and housing.

¹⁸⁷³ The nation, [Teachers resume mobilizations and demand a 16% salary increase](#), 5 October 2021

¹⁸⁷⁴ Macro Data, [Paraguay – Immigration](#), accessed October 04, 2021

¹⁸⁷⁵ UN Migration, [Paraguay Venezuelan migration flow, round 3](#), June 29, 2021, p. 2

¹⁸⁷⁶ UN Migration, [Paraguay Venezuelan migration flow, round 3](#), June 29, 2021, p. 8-11

¹⁸⁷⁷ UN Migration, [Paraguay Venezuelan migration flow, round 3](#), June 29, 2021, p. 18-21

27) PERU

1338. Through its various mechanisms, the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights has constantly monitored the situation of ESCER in the country. The following are the most relevant situations identified in relation to the main strategic lines of the mandate, in particular, on the right to health and its social determinants, climate emergency and human right to water, business and human rights, the right to education, labor and trade union rights, fiscal and economic policies, as well as human mobility and its impact on the guarantee of ESCER.

A. Right to Health and its Social Determinants

1339. The REDESCA has been observing the serious impact of the COVID-19 pandemic on the country. Peru has recorded one of the highest death rates from COVID-19 in Latin America and the world. Thus, as of November 21, 2021, Peru has a total of ¹⁸⁷⁸¹⁸⁷⁹200,866 deaths due to COVID-19, in addition to a total of 2,224,344 positive cases. ¹⁸⁸⁰

1340. In this sense, given the serious circumstances that affect people's lives as a result of COVID-19, the Peruvian Government has been extending the state of emergency repeatedly. It is noteworthy that the state of emergency was decreed by the government of Peru since March 15, 2020. On the other hand, as of November 23, 2021, there is information that preventive measures in the face of the coronavirus pandemic would be extended until¹⁸⁸¹ November 28, 2021.¹⁸⁸²

1341. At the beginning of 2021, the REDESCA observed situations of high concern derived from the second wave of coronavirus, within which the shortage of beds and ventilators in intensive care units, the death of more than 260 health professionals due to the virus and the abandonment of school by more than 100,000 schoolchildren due to the pandemic were reported. Similarly, in this context, the increase in pregnancies of children under 10 years of age due to sexual violence is also noted with concern.¹⁸⁸³¹⁸⁸⁴¹⁸⁸⁵¹⁸⁸⁶

1342. On the socioeconomic impacts of the coronavirus crisis, poverty has deepened in the world and, above all, in Latin America – which since before the pandemic has been characterized as the

¹⁸⁷⁸ CNN [How many deaths from covid-19 are there in Latin American countries?](#), 16 July 2021; The Duty, [Peru registers the highest mortality rate from covid-19 in Latin America](#), August 10, 2021

¹⁸⁷⁹ The Country, [Peru registers the highest mortality rate in the world due to covid](#), June 1, 2021

¹⁸⁸⁰ Expansion [Peru - COVID19](#), November 21, 2021.

¹⁸⁸¹ Official Gazette El Peruano, [Government extends for 30 days the state of national emergency due to covid-19](#), August 23, 2021

¹⁸⁸² Government of Peru, [Coronavirus: Questions and Answers on State of Emergency Measures](#), November 15, 2021.

¹⁸⁸³ RPP News, [Ombudsman's Office warns that there is only 1 ICU bed with ventilator for adults in Lima and Callao](#), 21 January 2021

¹⁸⁸⁴ AP News, [Fight against COVID-19 is lethal for doctors in Peru](#), 28 January 2021

¹⁸⁸⁵ Wayka, [More than 114.000 schoolchildren dropped out of school due to the pandemic](#), 28 January 2021

¹⁸⁸⁶ Swiss Info, [Pregnancies of children under 10 years of age due to rape increase during the pandemic in Peru](#), 22 July 2021

- most unequal region worldwide. The Peruvian case would not be the exception, since poverty increased in the country as a result of the pandemic, which would be 30%. This panorama has led to the emergence of new settlements in Lima.¹⁸⁸⁷¹⁸⁸⁸
1343. Taking into account that vaccination is essential to face the pandemic, the REDESCA takes note of the Peruvian Government's effort to vaccinate the population. In that sense, he has been able to warn that more than sixteen million 655 thousand people have already been immunized against the coronavirus. To achieve this, the Executive implemented the "I Put the Shoulder" platform, so that people can know the place, date and time they will be vaccinated against COVID-19. On the other hand, elderly people who cannot travel to their immunization centers have the option of having a brigade come to their home and apply the doses. Within the National Vaccination Campaign, the vaccines used nationally have been three: Pfizer-BioNTech, AstraZeneca and Sinopharm.¹⁸⁸⁹¹⁸⁹⁰
1344. According to information from the Peruvian Ministry of Health, to date there are a total of 9 million people who have received the full vaccination schedule and more than 12 million people have at least one dose. The REDESCA welcomes that, as of November 30, 2021, the vaccination rate is 51.88% of the population.¹⁸⁹¹¹⁸⁹²
1345. According to official information, within the vaccination strategy, Peru has held the so-called "vacunatonnes", which consist of 36-hour vaccination days during the weekends to accelerate the vaccination process.¹⁸⁹³
1346. The REDESCA notes that Peru's National Vaccination Plan prioritized the inoculation of health personnel in the first and second degrees of care. However, it expresses concern that, initially, vaccination of indigenous and indigenous peoples would have been characterized by a lack of information and coordination, which led many indigenous peoples to not want to be vaccinated because of possible adverse effects.¹⁸⁹⁴¹⁸⁹⁵¹⁸⁹⁶
1347. In this regard, the REDESCA recalls that, in accordance with Resolution 1/2020 of the IACHR, States must pay special attention to groups that are in a situation of vulnerability, such as indigenous and indigenous peoples. In particular, States should consider the differentiated approaches required when adopting the necessary measures to guarantee the rights of groups in situations of special vulnerability when adopting measures to care, treat and contain the COVID-

¹⁸⁸⁷ France 24, [Poverty rises 10 points in Peru due to pandemic and reaches 30% of the population](#), May 15, 2021

¹⁸⁸⁸ DW News, [New settlements emerge in Lima due to the COVID-19 crisis](#), April 25, 2021

¹⁸⁸⁹ Trade, [COVID-19: more than sixteen million 655 thousand Peruvians have already been immunized against the coronavirus](#), October 9, 2021.

¹⁸⁹⁰ Government of Peru, [Coronavirus: COVID-19 vaccines in Peru](#), 10 September 2020

¹⁸⁹¹ Government of Peru, figures obtained from the [vaccinated counter](#).

¹⁸⁹² Republic of Peru, [Vaccination against COVID19](#), November 30, 2021.

¹⁸⁹³ Government of Peru, [Coronavirus: what is the Vacunación](#), 11 September 2021

¹⁸⁹⁴ Government of Peru, [White Paper – Updated National COVID-19 Vaccination Plan](#)

¹⁸⁹⁵ Ombudsman's Office, [Office n° 171-2021-DP/AMASPPI](#), of 27 April 2021

¹⁸⁹⁶ Public Eye, [Indigenous vaccination at risk due to lack of adequate information in communities](#), 14 July 2021

- 19 pandemic; as well as to mitigate the differentiated impacts that these measures may generate. In addition, in the case of indigenous peoples, States are obliged to provide information on the pandemic in a manner in their traditional language, establishing, where possible, intercultural facilitators that allow them to clearly understand the measures taken by the State and the effects of the pandemic.¹⁸⁹⁷
1348. On the other hand, the REDESCA welcomes the fact that the Government of Peru has arranged and implemented an economic plan to face the pandemic generated by COVID-19. Among the different measures included in this plan, it is worth highlighting the creation of different bonds to serve the most vulnerable households, such as: the¹⁸⁹⁸ *"Stay at home"* bonus of 110 dollars; the bonus of 350 soles for people who are in a situation of vulnerability and the bonus for children orphaned by the pandemic, bonus especially relevant given the high rate of children who have lost their parents, grandparents or primary caregivers due to COVID-19.¹⁸⁹⁹¹⁹⁰⁰¹⁹⁰¹¹⁹⁰²
1349. These measures are noteworthy taking into account that they would be in line with the provisions of the IACHR and its REDESCA in Resolution 1/2021, in relation to the fact that with respect to groups in situations of special vulnerability or that have been historically discriminated against, based on the principle of equality and non-discrimination, States must adopt public policies that respond to differentiated approaches, intersectional and intercultural, which allow them to address the multiple discrimination that can accentuate people's obstacles in accessing health and vaccines.
1350. On the other hand, in the face of the different measures in the field of health, the Emergency Decree that establishes extraordinary measures to strengthen the health response within the framework of the National State of Emergency due to COVID-19 stands out, which has allowed to expand the health offer through the implementation of care centers and temporary isolation to contain the spread of the virus, authorizing the Social Health Security-EsSalud to hire health personnel to allow its correct operation.¹⁹⁰³
1351. Finally, the REDESCA has been able to learn about the impact that women have suffered from heavy metals in the blood, this because of the extractive activities that impact on indigenous peoples. This would be related to the fact that regulations in the industry are not entirely sufficient, since it is common for the activity of metal extraction companies to violate the human rights of indigenous communities. In this regard, it is noteworthy that Peru currently has 176 metal mines in operation, with an unknown number of active and inactive tailings deposits. Of

¹⁸⁹⁷ IACHR, [Resolution 1/2020](#), April 10, 2020.

¹⁸⁹⁸ Ministry of Economy and Finance, [Peru's economic plan against COVID-19](#).

¹⁸⁹⁹ The Country, [Peru implements the most ambitious economic plan in the region to face the pandemic](#), April 4, 2020

¹⁹⁰⁰ Trade, [Bonus 350 soles: who will be the beneficiaries and when this new subsidy will be paid](#), August 23, 2021

¹⁹⁰¹ Trade, [More than 11,000 children will access orphan's pension after death of their parents due to COVID-19](#), 27 July 2021 ; The Tree, [Bonus for children orphaned by the pandemic: the experience of Peru](#), of 25 July 2021

¹⁹⁰² Public Eye, [Silenced duels: the tragic orphanhood of the deaths associated with Covid-19](#), 21 July 2021

¹⁹⁰³ Official Gazette El Peruano, [Emergency Decree No. 004-2021, which establishes extraordinary measures to strengthen the health response within the framework of the National State of Emergency due to COVID-19](#), 19 January 2021

these mines, 54 produce more than 100 tons of tailings per day and only 26 more than 500 tons/day.¹⁹⁰⁴

B. Climate Emergency and Human Right to Water

1352. The REDESCA has been able to learn of several natural disasters that have had an impact on human rights in the country, among these are: the serious floods that took place in Putumayo in July, which led the indigenous authorities to launch an emergency appeal to the Government of the Nation to mitigate the damage caused. Likewise, several earthquakes were known both in Lima and in the north of the country, which although they would not have involved the loss of human lives, if they left material damage.¹⁹⁰⁵¹⁹⁰⁶¹⁹⁰⁷

1353. In environmental matters, the REDESCA has been able to know the existence of a total of 125 active and latent socio-environmental conflicts, according to the data offered by the report presented by the Ombudsman's Office, of which 80 would be related to mining activity. Faced with them, the REDESCA recalls that, in accordance with the Business and Human Rights Report, States must exercise regulatory, supervisory and judicial functions taking into account the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples.¹⁹⁰⁸¹⁹⁰⁹

1354. Without prejudice to the above, the REDESCA takes note of the efforts of the Peruvian State to be able to stop the trafficking of wood. In particular, it was learned that through an operation a gang that operated along the South Interoceanic Highway was dismantled through the "laundering" of wood illegally extracted from agricultural properties and forest concessions in the basins of the Los Amigos, Las Piedras and Tahuamanu rivers, the most important tributaries of the Madre de Dios River. According to the NGO Global Witness, 60% of the wood monitored in Peru in the last ten years was extracted from prohibited zones through the selective felling of trees of great commercial value and the washing of wood. For its part, the Division of Investigation of Crimes of High Complexity (DIVIAC) carried out a first successful intervention in Madre De Dios, through which it managed to seize more than 100 thousand feet of illegal wood and the arrest of eight offenders.¹⁹¹⁰

1355. This Office of the Special Rapporteur has also been able to observe the claims of the inhabitants of different areas of Lima demanding the return of drinking water service for more than one million people in Peru. Given this, the authorities expressed that this affectation was caused by the collapse of pipes. It is noteworthy that the demonstrators expressed that water is a

¹⁹⁰⁴ The Republic, [Women affected by heavy metals in their blood arrive in Lima to demand attention](#), October 4, 2021.

¹⁹⁰⁵ La Libertad Newspaper, [Putumayo Indians launch S.O.S to the National Government after severe flooding](#), 26 July 2021

¹⁹⁰⁶ The Republic, [Tremor in Lima LIVE: latest news from the 6.0 earthquake that shook Mala](#), June 23, 2021

¹⁹⁰⁷ BBC News, [A magnitude 6.1 earthquake shakes northern Peru and leaves material damage](#), 30 July 2021

¹⁹⁰⁸ Ombudsman's Office, [Social Conflicts Report n° 208](#), June 2021.

¹⁹⁰⁹ IACHR, [Business and Human Rights: Inter-American Standards](#), November 1, 2019.

¹⁹¹⁰ Mongabay, [The route of deforestation in Madre de Dios: "The loggers have surrounded my concession"](#), September 14, 2021.

right and not a privilege, in addition it was also stressed that in the district of Lima live 10 million people and it is estimated that about two million people permanently lack drinking water networks. In this context, it is observed that the phenomenon of water scarcity, either due to technical deficiencies or lack of networks, is one of the biggest social problems of Lima, one of the few capitals in the world that rises on a desert area. Therefore, the REDESCA calls on the country's authorities to pay special attention to the problem and implement a series of actions aimed at guaranteeing the human right to water of the inhabitants of different areas of Peru.¹⁹¹¹

C. Business and Human Rights

1356. With regard to the rights of indigenous peoples, according to the information provided, it has been possible to learn of the creation of the sixth indigenous reserve in the country, the Kakataibo North and South Indigenous Reserve. Additionally, it has been learned that from April 2020 to July 2021, 10 defenders of the Amazon have been killed in the context of the health emergency. Faced with this point, the REDESCA expresses its dismay and makes a strong call for the action of the State authorities to be in accordance with the provisions of the Business and Human Rights Report, which states that States have the obligation to guarantee the rights of indigenous peoples, since the negative impacts that these groups can cause a serious violation of rights, such as poverty and extreme poverty, historical exclusion and discrimination, practices of assimilation, territorial dispossession and denial of rights. Equally, whether by direct or indirect link, all companies have a responsibility to ensure that defenders can deal with the impact of their operations on human rights effectively and safely.¹⁹¹²¹⁹¹³¹⁹¹⁴

1357. The REDESCA takes note of the efforts of the President of the Peruvian Republic to promote a rural women's fund. In this regard, it is noteworthy that women in the region play a central role in productive work and in the food and sustenance of families, so this fund will allow the deployment of various technical, business and social support programs for the more than 700,000 agricultural producers in the country. On the other hand, the Presidency of the Council of Ministers explained that for the implementation of this there will be nine axes or strategic lines of management, among them: food security, associativity and cooperativism, hydraulic infrastructure, agricultural civil service-Agrarian Secigra.¹⁹¹⁵

1358. The Office of the Rapporteur expresses its concern about the information it has received about the community of San José de Karene, which between 2010 and 2020 lost 6282 hectares, representing a total of 29.1% of its territory. In addition, the indiscriminate extraction of gold has disrupted the life of the Harakbut people (native community of San José de Karene), a community that for six years would have waited for the progress of the process for the definition of territorial limits. On the other hand, due to illegal logging and mining, the Harakbut people also suffer the invasion of their territory by miners who now apply for a property title. Finally, it is noted that the

¹⁹¹¹ The Coast, [They demand the return of drinking water service for more than one million people in Peru](#), September 14, 2021.

¹⁹¹² Swissinfo, [Peru creates its sixth indigenous reserve, which will protect the Cacataibo people](#), 22 July 2021

¹⁹¹³ Management [Indigenous peoples request protection measures for defenders of the Amazon](#), August 10, 2021

¹⁹¹⁴ IACHR, [Business and Human Rights: Inter-American Standards](#), November 1, 2019.

¹⁹¹⁵ Trade, [Pedro Castillo announces the creation of a fund for rural women](#), OCTOBER 3, 2021.

inhabitants of the community themselves have expressed that one of the many consequences of mining has been the loss of harakbut identity. Attentive to the foregoing, the REDESCA urges the State to ensure that its actions are in accordance with ¹⁹¹⁶the provisions of the Business and Human Rights Report, which states that overcoming any situation of vulnerability in which indigenous peoples find themselves requires broad political and institutional structures that allow them to protect their cultural institutions. social, economic and political, in addition to the obligation that States have to guarantee their social survival, as well as to adopt special measures to guarantee indigenous peoples the full and equal exercise of the right to the territories they have traditionally used and occupied, including protection against actions by business actors. ¹⁹¹⁷

1359. On the other hand, the REDESCA notes with concern the threat posed by toxic metals to the life and health of some indigenous peoples in the province of Espinar. According to Amnesty International, people living in the region have high levels of arsenic and manganese in their bodies. In the same vein, some people suffer from nausea, vomiting and frequent cramps in the hands and feet.¹⁹¹⁸

D. Labor and Trade Union Rights

1360. One of the main consequences of the COVID-19 pandemic in terms of employment has been the acceleration of changes in the labor market, exacerbating the challenges associated with working conditions on digital platforms.¹⁹¹⁹

1361. The expansion of this type of work in Peru, especially those related to the distribution by applications, has generated a diffuse labor framework for delivery drivers, in the absence of a legal framework that is specifically applicable to this type of service provision.¹⁹²⁰

1362. In this regard, the REDESCA has been able to learn of the presentation of a bill "that guarantees minimum working conditions for workers who provide delivery or mobility services through a digital platform" in Congress, which would recognize the existence of an employment relationship between digital platforms and all those workers who perform delivery services, messaging and mobility through them. The bill also recognizes certain benefits (insurance) and formalities (conclusion of the contract in writing, maximum working hours and regulation of rest and overtime times, among others), which would provide legal certainty in this type of labor relations and allow a greater guarantee of the labor rights of these workers.¹⁹²¹

1363. In labor matters, the REDESCA also highlights the law approved by the Congress of the Republic through which the costs of screening tests and PPE must be borne by companies,

¹⁹¹⁶ Mongabay, [San José de Karene: cornered by illegal mining and invasions without yet having its territory delimited](#), October 4, 2021.

¹⁹¹⁷ IACHR, [Business and Human Rights: Inter-American Standards](#), November 1, 2019.

¹⁹¹⁸ Amnesty International [Arsenic, manganese, cadmium... toxic drugs that threaten the health of Peru's indigenous peoples](#), August 9, 2021

¹⁹¹⁹ International Labor Organization, Press Release: [Digital platforms: a future of work with opportunities and challenges for Latin America and the Caribbean](#), 24 February 2021

¹⁹²⁰ Public Eye, [Millionaire delivery companies operate in a diffuse labor and tax framework](#), July 18, 2021

¹⁹²¹ Congress of Peru, [Draft Law that guarantees minimum working conditions for workers who provide delivery or mobility services through a digital platform](#), April 22, 2021

regardless of the labor regime and the modality of the work performed. This law would allow further progress in the protection of the right to health of workers.¹⁹²²

E. Fiscal and Economic Policies

1364. The REDESCA notes that there would be certain challenges in fiscal and economic policies in the country, since previously the country was recognized for its strength in its public finances, which would have been achieved despite its low tax revenues, sacrificing social and infrastructure expenditures. However, the pandemic would have made evident the structural problems of the Peruvian economy, in addition to problems in the health system, the social protection system and financial inclusion. All of the above has had a profound impact on public finances as a result of the decrease in revenue and the increase in expenditure. To solve the aforementioned problem, a policy option has been proposed that consists of carrying out reforms that strengthen the structural weaknesses of the economy, related to pensions, health system, financial inclusion, among others, also identifying fiscal and tax measures to obtain the required financing. The proposals aim to reduce unproductive expenses, broaden the tax base by rationalizing or replacing tax exemptions, reducing evasion and improving the progressivity of the tax system.¹⁹²³

1365. The REDESCA takes note of the impact that Venezuelan migration has on Peru's fiscal policies, since the net fiscal impact generated by Venezuelan migrants and refugees would amount to a total of 35 million dollars, a number that could also be increased if the country's labor and economic policies were more favorable towards the migrant population.¹⁹²⁴

F. Education, science, technology: academic freedom and university autonomy

1366. According to the information collected, the 2021 academic year has been developed with the distance modality and the use of tablets, through the "I learn at home" platform and in person or blended, when health conditions have allowed it, through the "I learn at school" program.¹⁹²⁵

1367. The REDESCA welcomes that, among the measures of Peru's Economic Plan against COVID-19, the Ministry of Education (Minedu) foresaw the acquisition of more than 700,000 tablets with internet access for primary and secondary school students in rural areas, along with more than 100,000 tablets for urban areas in poverty. The objective of these digital tools has been to guarantee teaching through the school program "Aprendo en Casa", ensuring that all

¹⁹²² Official Gazette El Peruano, [Law n° 31246 on safety and health at work, to guarantee the right of workers to safety and health at work in the face of epidemiological and health risk](#), June 25, 2021. Trade, [COVID-19: companies will have to assume expenses of screening tests and PPE of their workers](#), June 25, 2021

¹⁹²³ CIES, [Fiscal and tax policy in the face of the global coronavirus pandemic](#), June 22, 2021.

¹⁹²⁴ Swissinfo, [Venezuelan migration generates fiscal impact of 35 million dollars in Peru](#), August 27, 2021.

¹⁹²⁵ Peru 21, [What will school classes be like this 2021?](#), February 19, 2021

schoolchildren can access the teaching of classes without the lack of equipment or internet connection making it impossible for them.¹⁹²⁶¹⁹²⁷

1368. Another of the measures implemented by the Government of Peru to ensure the return to classes in person has been the vaccination of teachers and professors. Some educational institutions located in rural areas have also requested the provision of basic services such as water in schools so that the return to the classrooms occurs in safe conditions. In this regard, the REDESCA joins this call and reiterates the importance of guaranteeing access to education for children and adolescents during the COVID-19 pandemic.¹⁹²⁸¹⁹²⁹

G. Human Mobility and ESCER

1369. The REDESCA takes note of some measures taken by the Government of Peru to protect persons in situations of human mobility. In this regard, migration policies have been reviewed with the aim of strengthening the migrant protection system. In particular, the coordination between the governments of Peru and Venezuela has had a positive impact on the lives of Venezuelan migrants in Peru. It is noteworthy that, as of November 5, 2021, Peru is the second country in the region that has received the largest number of Venezuelan migrants, with a total of 1,286,464 migrants.¹⁹³⁰

1370. The Office of the Special Rapporteur has learned about the problems that climate change has caused to migrants in Peru. Specifically, the rains have caused the displacement of almost 300,000 people in the country, which has caused migrants to lose their homes, live without electricity, drinking water, sewage and other essential services for a dignified life.¹⁹³¹

1371. Likewise, the REDESCA expresses its concern about the militarization of Peru's border with Ecuador as a response to the migratory phenomenon. This was done with the mobilization of fifty armored and motorized units of the army, trying to control the entry of undocumented immigrants. This situation is of particular attention considering that the acts of the military may violate the human rights of migrants in the area. For this reason, the REDESCA joins the IACHR's call to ensure that migration policies and measures to manage and restrict cross-border human

¹⁹²⁶ Andean Agency, [Minedu: it has already managed to distribute 60% of tablets throughout the country](#), 22 March 2021

¹⁹²⁷ Andean Agency, [Minedu: at the end of July begins distribution of tablets for Aprendo en Casa](#), June 6, 2021

¹⁹²⁸ Official Gazette El Peruano, [Covid-19: vaccination of 177,296 teachers from rural and urban areas begins today](#), September 3, 2021.

¹⁹²⁹ The Republic, [In addition to vaccination for teachers, it is urgent to improve the schools of the ande for classes](#), June 30, 2021.

¹⁹³⁰ Swissinfo, [Venezuela and Peru review their policies for comprehensive care for migrants](#), November 5, 2021.

¹⁹³¹ The Spectator, [Climate change leaves thousands of migrants in Peru, now sleeping in the desert](#), October 26, 2021.

mobility are aimed at respecting and guaranteeing the human rights of migrants, refugees and those in need of protection.¹⁹³²¹⁹³³

1372. In turn, the REDESCA observes that there would be a situation of discrimination against migrants from Venezuela in Peru. In particular, it is the children, adolescents and refugee or migrant women who are the group that is most at risk and vulnerable, since employment is scarce, they denounce gender violence, discrimination, limitations in access to services and limitations to achieve a regular status in the country. In this regard, it should be noted that 50% of Venezuelan households in the country live in a situation of overcrowding.¹⁹³⁴

1373. Faced with this situation, the REDESCA urges to continue strengthening migration policy under a human rights approach, which allows the realization of ESCER for all people in a condition of human mobility in the country. Likewise, in line with resolution 1/2020, the State is called upon to avoid the use of immigration detention strategies and other measures that increase the risks of contamination and spread of the disease generated by COVID-19, in addition to refraining from implementing measures that may hinder, intimidate and discourage the access of people in situations of human mobility to the programs, services and policies for response and attention to the COVID-19 pandemic, such as immigration control or repression actions in the vicinity of hospitals or shelters, as well as the exchange of information on hospital medical services with immigration authorities with a repressive nature. Likewise, the right of return and migration of return to the States and territories of origin or nationality must be guaranteed through cooperation, exchange of information and logistical support between the corresponding States, with attention to the required health protocols and considering in particular the right of stateless persons to return to the countries of habitual residence, guaranteeing the principle of respect for the family unit.

¹⁹³² DW [Peru militarizes border with Ecuador to block migrants](#), January 26, 2021.

¹⁹³³ IACHR, CP 082 of 2021, [The IACHR Calls on the States of the Region to Adopt Migration and Border Management Policies That Incorporate a Human Rights Approach](#), April 1, 2021

¹⁹³⁴ Management [Plan International says Venezuelan migrants face discrimination](#), February 25, 2021.

28) SAINT LUCIA

1374. With regard to the guarantee of ESCER in the country, the Office of the Special Rapporteur has specially monitored the impact of the COVID-19 pandemic, particularly with regard to the guarantee of the right to health and the right to education. In this context, concern is expressed about the difficulties in making decisive progress in the vaccination process, again calling for international cooperation. In addition, some measures related to business and human rights are addressed, as well as some related to fiscal and economic policies. Each of these strategic lines of the REDESCA is then developed in greater detail.

A. Right to Health and its Social Determinants

1375. The REDESCA has followed with special attention the situation of ESCER in the country and, particularly, the impacts that the COVID-19 pandemic has generated. With regard to the enjoyment of the right to health in the context of the health emergency caused by Covid-19, the Office of the Special Rapporteur observes that the first case in the country occurred on March 13, 2020 and that, in mid-December 2021, there were approximately 13,127 infected people, 285 deaths and 12,756 people recovered.¹⁹³⁵

1376. In this regard, it is noted with concern that, as of December 2021, the number of cases would continue to increase, amid a growing trend of infections that would have begun in January of this year, followed by a relative stabilization, and from August, with a significant increase. In this way, while at the beginning of January 2021 353 cases were registered, at July 31 there were more than 5,500, with a figure doubled in mid-December – as of December 16, 13,127 cases are registered. This situation in turn would be coupled with a significant growth in the mortality rate, which has had a significant and accelerated increase, especially since the peak of August. As an example, at the first of August there was a record of 89 people killed, but only 4 months later, at the first of December, 280 were reported. Given this situation, the Office of the Special Rapporteur on ESCER calls for the immediate and urgent and due diligence reinforcement of all appropriate measures to protect the rights to life, health, and personal integrity of all persons under the jurisdiction of the State, through an intersectional and differentiated approach.¹⁹³⁶¹⁹³⁷¹⁹³⁸¹⁹³⁹

1377. Without prejudice to the above, the REDESCA welcomes the measures that the State has taken to deal with the pandemic, among which the continuous promotion of prevention and biosecurity measures -such as the use of masks and physical distancing-, curfews, operating limitations for essential and non-essential services, stands out, restrictions on holding social gatherings, among others. These measures have been evaluated and made more flexible/strengthened according to an analysis of the epidemiological situation in the country. In fact, it is noted that the State has

¹⁹³⁵ Worldometer, [Coronavirus cases in Saint Lucia](#), December 17, 2021

¹⁹³⁶ PAHO, [Weekly Press Briefing on the COVID-19 Situation in the Americas](#), 15 December 2021

¹⁹³⁷ Worldometer, [Coronavirus cases in Saint Lucia](#), December 17, 2021

¹⁹³⁸ Worldometer, [Coronavirus cases in Saint Lucia](#), December 17, 2021

¹⁹³⁹ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, para. 1

established protocols for reopening, providing guidelines for businesses and sectors of the economy so that they can resume their operations based on strict biosecurity protocols. ¹⁹⁴⁰¹⁹⁴¹¹⁹⁴²

1378. Likewise, the Office of the Special Rapporteur of ESCER recognizes the State's efforts to move forward with the immunization process, as well as the challenges it has faced in the acquisition of VACCINES AGAINST COVID-19. Thus, it is observed that vaccination began on February 17, 2021 and that, initially, the State focused on promoting the immunization of people who had a high and / or medium risk of contagion, as well as those who were at risk of developing the disease severely. Then, as the phases opened, and since May, vaccination of all people over 18 years of age was promoted. In this context, it is noteworthy that the country received the first deliveries of COVAX -24,000 doses- on April 7, 2021 and that on May 12 it received through COVAX 26,400 additional doses. It should be noted that, under COVAX, Saint Lucia would expect a total of 74,400 doses – taking into account that the objective of this mechanism is to provide vaccines for at least 20% of the population during 2021. ¹⁹⁴³¹⁹⁴⁴¹⁹⁴⁵¹⁹⁴⁶¹⁹⁴⁷

1379. As a result of the efforts to acquire vaccines -and despite them-, as of December 16, 2021, it is estimated that only 26.26% of the population would be fully immunized, being one of the countries that would have experienced the greatest challenges at the regional level to access them. Against this background, it is noteworthy that the IACHR and the REDESCA expressed their concern about the obstacles to universal and equitable access to vaccines, and in the particular case of Saint Lucia – after observing that, as of October, it was one of the six countries that had not even reached a vaccination rate of 20% of its population. they called for greater international support. ¹⁹⁴⁸¹⁹⁴⁹¹⁹⁵⁰

1380. In this context, the REDESCA reiterates that, in line with Resolution 1/2021, it is urgent to coordinate effective regional actions based on the human rights approach and focused on international solidarity that guarantee the constant exchange of information on vaccination, as well as on technologies and knowledge on vaccines and treatments against COVID-19. Likewise, within the framework of international cooperation to promote equitable access to vaccines, it is essential to promote strategies to shorten the gaps in access to vaccines between those countries that have greater financial, institutional and technological capacity with those with lower incomes,

¹⁹⁴⁰ St. Lucia The Star, [Curfew to start from 3 PM on Sunday and Monday](#), 30 March 2021

¹⁹⁴¹ Saint Lucia's COVID-19 Dashboard, [Reopening Saint Lucia](#), December 19, 2021

¹⁹⁴² Saint Lucia's COVID-19 Dashboard, [Existing COVID-19 Prevention and Control Protocols Extended until February 16](#), 10 February 2021

¹⁹⁴³ St. Lucia Times, [COVID-19: Saint Lucia Gets second batch of vaccines under COVAX](#), May 18, 2021

¹⁹⁴⁴ St. Lucia Times, [COVID-19: Saint Lucia Gets second batch of vaccines under COVAX](#), May 18, 2021

¹⁹⁴⁵ PAHO, [Saint Lucia receives the first COVID-19 vaccines through the COVAX Facility](#), April 7, 2021

¹⁹⁴⁶ St. Lucia Times, [COVID-19: Saint Lucia Gets second batch of vaccines under COVAX](#), May 18, 2021

¹⁹⁴⁷ PAHO, [Saint Lucia receives the first COVID-19 vaccines through the COVAX Facility](#), April 7, 2021

¹⁹⁴⁸ Macro data, [Saint Lucia - COVID-19 - Vaccines administered](#), December 16, 2021

¹⁹⁴⁹ PAHO [Most countries in the Americas will reach the COVID-19 vaccination target by the end of the year](#), 13 October 2021; ECLAC- PAHO, [Prolonging the health crisis and its impact on health, the economy and social development](#), October 14, 2021

¹⁹⁵⁰ IACHR, Press Release No. 282, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

in order to acquire, develop and distribute vaccines to their population, avoiding sanitary isolationism.¹⁹⁵¹¹⁹⁵²

1381. Finally, and in broader terms on the health system in general, the REDESCA notes that the country would have an average of public expenditure on health per capita similar to the average of Latin America and the Caribbean, although well below the average expenditure of OECD countries. Taking into account that a source of structural inequality in access to health services precisely results from the low level of public spending – associated with a consequent high out-of-pocket expenditure –, the REDESCA urges to allocate the maximum of the available resources for the effective guarantee of ESCERs, and particularly, in the context of the health emergency, calls for continued investment in the health system.¹⁹⁵³

B. Business and Human Rights

1382. The REDESCA notes that companies were particularly affected by the context of the COVID-19 pandemic. Likewise, the economic support that the country would have received from Taiwan – in coordination with the Chamber of Commerce – to help owners and employed people of lower incomes of micro, small and medium enterprises to mitigate the spread of COVID-19 by strengthening their capacity to implement biosecurity protocols, such as the use of masks and disinfection. The mandate considers that this measure that seeks to ensure the economic reopening under safe conditions would not only be preserving jobs, but also adopting measures to guarantee the right to health of workers and customers.¹⁹⁵⁴

C. Fiscal and Economic Policies

1383. With regard to fiscal and economic policies, the REDESCA notes that, according to ECLAC, the projection of the GDP growth rate 2021 is expected to be 3.6% – vs. 4.1% in the Caribbean. It also notes that, in response to the pandemic and its socio-economic consequences, the Government initially carried out a Social Stabilization Plan and a public health response (for approximately 3% of GDP), together with temporary income support, among other measures. Next, an Economic Recovery and Resilience Plan (for approximately 11.5% of GDP) would have been implemented, which included an electricity assistance program (effective until March 2021), an expansion of public assistance measures and the granting of grants and loans to companies. In addition, the Government would have committed to achieving the 2030 debt target set by the Eastern Caribbean Central Bank.¹⁹⁵⁵¹⁹⁵⁶¹⁹⁵⁷

¹⁹⁵¹ IACHR, [Resolution 1/2021: COVID-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 33

¹⁹⁵² IACHR, [Resolution 1/2021: COVID-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 34

¹⁹⁵³ ECLAC- PAHO, [Prolonging the health crisis and its impact on health, the economy and social development](#), October 14, 2021

¹⁹⁵⁴ St. Lucia Times, [Saint Lucia Small Businesses Get COVID-19 Support](#), May 12, 2021

¹⁹⁵⁵ ECLAC- PAHO, [Prolonging the health crisis and its impact on health, the economy and social development](#), October 14, 2021

¹⁹⁵⁶ International Monetary Fund, [Policy Tracker: St Lucia](#), May 2021

¹⁹⁵⁷ International Monetary Fund, [Policy Tracker: St Lucia](#), May 2021

1384. In this context, the Office of the Special Rapporteur welcomes these measures, since, in line with Resolution 1/2020 and for the effective attention of the pandemic, States must dispose of and mobilize the maximum of available resources to make effective the right to health and other ESCERs, including by taking fiscal policy measures that allow an equitable redistribution and the design of concrete plans and commitments to substantially increase the public budget to guarantee the right to health.¹⁹⁵⁸

D. Education, science, technology: academic freedom and university autonomy

1385. Regarding the enjoyment of the right to education in the context of the pandemic, the REDESCA notes that at the times of greatest contagion of COVID-19, the State opted for the closure of schools, and that, therefore, at the beginning of the year – taking into account the epidemiological situation of the country – it announced that public and private schools should maintain classes remotely until mid-February – with the exception of some cases, such as students in medical schools or those who were preparing for some particular exams. Despite some moments of reopening, it is to be specified that, by October 2021, schools would be closed again.¹⁹⁵⁹¹⁹⁶⁰¹⁹⁶¹

1386. While the REDESCA expresses its concern about the impacts that school closures may have on the rights of children and calls for them to be implemented only when strictly necessary, it also welcomes the State's measures to guarantee the right to education and protect students and staff of educational institutions in the context of COVID-19. In this scenario, the mandate especially welcomes the Department of Education's program for academic recovery, as a strategy to respond to and compensate for the losses that students would have suffered from the closures of educational institutions. In the same sense, it observes as a good practice that in April the vaccination of the personnel of these institutions has been promoted and prioritized to ensure the safe return to classes.¹⁹⁶²¹⁹⁶³

1387. Without prejudice to the foregoing, the Office of the Special Rapporteur on ESCER reiterates that States must have mechanisms that allow children to continue with access to education and with stimuli that their age and level of development require, under an intercultural, intersectional and differentiated approach. With this in mind, the REDESCA welcomes that approximately 100 teachers in the country have received training focused on best practices, current research and

¹⁹⁵⁸ IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, para. 13

¹⁹⁵⁹ UNICEF LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, 18 October 2021

¹⁹⁶⁰ Saint Lucia's COVID-19 Dashboard, Existing COVID-19 Prevention and Control Protocols Extended until February 16, 10 February 2021

¹⁹⁶¹ UNICEF LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, 18 October 2021

¹⁹⁶² St. Lucia Times, Saint Lucia Implements Academic Recovery Programme, 19 January 2021

¹⁹⁶³ Government of Saint Lucia, THE IMMUNIZATION DRIVE IS IN AN EFFORT TO ENSURE THAT PRINCIPALS, TEACHERS AND ANCILLARY STAFF FEEL COMFORTABLE RETURNING TO SCHOOL, April 6, 2021

practical tools that create inclusive environments for neuro diverse students, which would have focused on the educational needs of children diagnosed with autism, ADHD and dyslexia. ¹⁹⁶⁴¹⁹⁶⁵

¹⁹⁶⁴ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

¹⁹⁶⁵ The Voice, [Saint Lucian Teachers To Benefit From Specialized Neurodiverse Training](#), July 10, 2021.

29) DOMINICAN REPUBLIC

1388. In relation to the situation of Economic, Social, Cultural and Environmental Rights in the Dominican Republic, the REDESCA has been following the challenges related to the enjoyment of the right to health in an integral manner in the country, taking special note of the impacts of the pandemic and the measures adopted by the State. The REDESCA has also monitored the enjoyment of other ESCERs, such as the right to education and access to labor and trade union rights. It has also paid special attention to the impacts of climate change. On the other hand, the mandate has closely followed the situation of human mobility in the Dominican Republic, in particular with regard to migrants from Haiti who entered the country. These issues are then addressed in greater detail, all of which are strategic lines of action of the mandate.

A. Right to Health and its Social Determinants

1389. In the context of the COVID-19 pandemic, the REDESCA has observed the impacts caused by it on the enjoyment of the right to health. In the case of the Dominican Republic, since the beginning of the pandemic and until November 17, 2021, 398,880 positive cases were registered and 4,178 people have died from COVID-19.¹⁹⁶⁶

1390. In this context, the REDESCA notes that, at the beginning of 2021, the Dominican Republic was facing a second wave of COVID-19 infections, reporting the record number of 2,043 infections per day, the highest since the pandemic began, which placed the daily positivity rate at 34.8%. This situation led to an increase in bed occupancy to 41%, while the number of patients in intensive care units rose to 56%. Against this background, the Office of the Special Rapporteur on ESCER observes that the country's hospital capacity reached its limit in mid-May, especially in intensive care rooms, which at the national level are at 57% occupancy, according to official data from the National Health Service (SNS). Due to this worrying situation, the REDESCA notes that the Government, faced with the difficulty faced by patients in finding medical care and oxygen, initiated the expansion of the availability of beds in hospitals.¹⁹⁶⁷¹⁹⁶⁸

1391. Likewise, the REDESCA notes that, in June, the Dominican Republic reported a new peak of active cases. Regarding the impact this had on hospitals, the Office of the Special Rapporteur takes note of the hospital occupancy that led to the use of 1,342 beds per patient in stable conditions. In addition, 470 infected people would have been admitted to intensive care units, occupying 71% of the total, with 296 people connected to ventilators - 57%¹⁹⁶⁹.

1392. Regarding the measures adopted by the State with respect to the impacts of COVID-19, the REDESCA notes that, since March 2021, the Dominican Republic has been uninterruptedly under the state of emergency to prevent the spread of coronavirus (COVID-19) in the country. With respect to this, the REDESCA observes that, in August, only the National District and La Altagracia

¹⁹⁶⁶ Presidency of the Dominican Republic, T [All the information needed to stop the coronavirus together](#), November 17, 2021

¹⁹⁶⁷ CNN Latin America, [Doctors warn of new wave of COVID-19 infections in the Dominican Republic](#), January 6, 2021.

¹⁹⁶⁸ CNN Latin America, [Hospitals overwhelmed in Santo Domingo: president confirms covid-19 resurgence in Dominican capital](#), May 18, 2021.

¹⁹⁶⁹ Diario Libre, [Dominican Republic registers new peak of active COVID-19 cases: report 12 deaths and 1,784 new infections](#), June 19, 2021.

- had their curfew lifted, because at this time they were¹⁹⁷⁰¹⁹⁷¹ the only demarcations with at least 70% of their respective populations vaccinated against COVID-19.
1393. After this situation, the REDESCA became aware of what was announced by the Government of the Dominican Republic, about ending the state of emergency due to the COVID-19 pandemic on October 11, 2021, due to the fact that 60% of the target population had been vaccinated against COVID-19. The Office of the Special Rapporteur observes that the Government ended the curfew, restrictions on the freedoms of movement and association throughout the country. However, it provided that it will maintain the provisions of mandatory use of masks, as well as physical¹⁹⁷²distancing.
1394. With regard to the impact that the pandemic had on health workers, the REDESCA expresses its concern due to the situation of medical and nursing personnel working with COVID-19 patients in Intensive Care Units, who have been forced to use disposable diapers to do their physiological needs during their working day, as they do not have enough biosecurity¹⁹⁷³equipment.
1395. In this regard, the REDESCA recalls that, following Resolution No. 1/2020 on Pandemic and Human Rights in the Americas, States have the obligation to protect the human rights, and particularly the ESCER, of workers most at risk from the pandemic and its consequences. Likewise, and following Resolution 4/2020, the REDESCA reiterates that, in order to guarantee adequate and timely access to health care, it is necessary to avoid the collapse of health systems, as well as mitigate the risks to the rights of people with COVID-19 and health workers. In addition, it is essential that, for the preservation of life and the treatment of the right to health of people with COVID-19, health and care workers have biosecurity protocols for specific protection and training, including regular diagnostic tests, that they have sufficient personal protective equipment and the necessary materials for disinfection, together with an adequate maintenance of¹⁹⁷⁴¹⁹⁷⁵the health and care environment.¹⁹⁷⁶
1396. In relation to the vaccination process, the REDESCA notes that the country received the first doses of the COVID-19 vaccine in February, from India, manufactured under the license of AstraZeneca. Regarding the vaccination rate, the REDESCA welcomes that, as of November 15, 13,594,483 doses against COVID-19 have been administered, for 50.53% of the fully vaccinated population. Likewise, the REDESCA highlights the official information regarding the fact that¹⁹⁷⁷¹⁹⁷⁸the National Vaccination Plan against COVID-19 is the largest and most important Public-

¹⁹⁷⁰ Documents Daily [Abinader requests another 45 days of state of emergency](#), June 23, 2021

¹⁹⁷¹ Presidency of the Dominican Republic, [Government extends state of emergency for 45 days: National District and La Altagracia exempt from curfew](#), August 27, 2021

¹⁹⁷² NTN24, [Dominican Republic ends state of emergency due to covid-19](#), 7 October 2021

¹⁹⁷³ Accent [Doctors and nurses report wearing diapers due to shortage of biosecurity suits](#), 11 January 2021

¹⁹⁷⁴ CIDH - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

¹⁹⁷⁵ CIDH - REDESCA, [Resolution 4/2020: Rights Humans of People with COVID-19](#), July 27, 2020

¹⁹⁷⁶ Ibid

¹⁹⁷⁷ Kvia, [Dominican Republic receives the first vaccines against covid-19](#), 16 February 2021

¹⁹⁷⁸ Expansion [Dominican Republic - COVID-19 - Vaccines administered](#), November 15, 2021

- Private Partnership that the Dominican Republic has had, in which it joined the private sector, academia and trade union and civil society organizations.¹⁹⁷⁹
1397. Likewise, the REDESCA welcomes the consensus between the Ministry of Health, the Dominican Medical College and the specialized medical societies in which the inclusion of children from 5 to 11 years old in the vaccination scheme against COVID-19 in the Dominican Republic was concluded.¹⁹⁸⁰
1398. Without prejudice to the foregoing and taking into account the aforementioned situations, the Office of the Special Rapporteur takes the opportunity to reiterate that, in line with the provisions of Resolution 1/2020 of the IACHR, States must ensure access to medicines and health technologies necessary to face pandemic¹⁹⁸¹ contexts.
1399. The REDESCA has also monitored the impact that COVID-19 has had on the mental health of the population. In this regard, the Office of the Special Rapporteur DESCA notes that an investigation carried out by the Emotions, Health and Cyber Psychology Laboratory of the Pontificia Universidad Católica Madre y Maestra found that 4 out of 10 people suffer anxiety attacks as a result of the pandemic; 76% of those patients had never experienced this type of crisis. Hopelessness, uncertainty and disenchantment with life are other symptoms that also occur among the population.¹⁹⁸²
1400. Likewise, the REDESCA learned that, in August 2021, anxiety, stress and sleep disorders are still present, causing imbalances in emotional health, with anxiety being the most frequent health disorder since the pandemic began, while children have presented episodes of phobia with manifestations of chest pain and rapid heartbeat. In addition, the REDESCA expresses its concern following UNICEF's report on the effects of Covid-19 on the mental health and well-being of children and adolescents, which could last for years. In the Dominican Republic, 5,305 cases have been treated with situations that affect mental health, of which 1482 have been treated for children under 17 years of age through the Family Help line.¹⁹⁸³¹⁹⁸⁴
1401. Given this information obtained, the REDESCA welcomes the measures implemented, but also recalls that the guarantee of universal access to mental health is a determinant for societies to function properly and people to develop fully in their life projects, being that psychological and emotional well-being facilitates that people use their skills and contribute effectively to their personal well-being, their environments and¹⁹⁸⁵ communities.

¹⁹⁷⁹ Global citizen, [How has the Dominican Republic achieved one of the highest COVID-19 vaccination rates in the region?](#), November 2, 2021

¹⁹⁸⁰ tvn news [Dominican Republic to vaccinate children aged 5 to 11 against coronavirus](#), 5 October 2021

¹⁹⁸¹ CIDH - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

¹⁹⁸² CNN Latin America, [The silent pandemic in the Dominican Republic: the impact of the covid-19 crisis on mental health](#), February 19, 2021.

¹⁹⁸³ Documents Daily [Children and young people with disorders of "Covid-phobia"](#), August 3, 2021

¹⁹⁸⁴ CDN, [UNICEF: Covid-19 effects on children's mental health could be prolonged](#), 5 October 2021

¹⁹⁸⁵ CIDH - REDESCA, [Press release: States in the region must take urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access](#), October 2, 2020

1402. Faced with other effects on the right to health, the REDESCA notes the decrease in vaccination coverage against diphtheria, a disease of which it has been presenting sporadic cases for six years and which has caused the issuance of an epidemiological alert due to 10 records at the end of November, with eight deaths so far this year, these being cases of minors between 2 and 14 years of age. A report by the Pan American Health Organization (PAHO) indicates that 80% of the country's municipalities had vaccination coverage of less than 95% by 2020, the year in which there is a decrease in vaccination programs due to the COVID-19 pandemic, as well as that the goal established in the regional immunization action plan of 95% has not been met. The lack of notification, the fear of families of the contagion of the coronavirus, as well as the closure of vaccination centers, are listed among the reasons for the drop in¹⁹⁸⁶¹⁹⁸⁷ coverage.
1403. In this regard, the REDESCA notes that the Senate of the Republic approved on September 14 the draft National Vaccine Law of the Dominican Republic, which seeks to guarantee the adequate protection of the population against vaccine-preventable diseases, through the regulation and promotion of mechanisms that guarantee in all public and private institutions of the national health system the acquisition of vaccines¹⁹⁸⁸. The REDESCA in turn observes that in the Dominican Republic there will be at least 600,000 vaccines to combat influenza, because the country will receive 30% more.¹⁹⁸⁹
1404. Likewise, the Office of the Special Rapporteur DESCA notes that the Laboratory for the Diagnosis of Diseases of Foreign Animals of the United States Department of Agriculture alerted about the presence of swine fever in the Dominican Republic, which was verified after samples collected from pigs raised in the country, which concluded in the prohibition of the entry of pork and pork products from the Dominican Republic to the United¹⁹⁹⁰States.
1405. The REDESCA expresses its concern about the health situation in the Afro-descendant population of the Dominican Republic, since it would have identified the existence of structural gaps and inequalities in the approach to public health policies for this¹⁹⁹¹group. In this sense, the Coordinator of the Office of Gender Equity and Development stated that, for example, Afro-descendant women carry stigmas and sexist and sexist stereotypes due to ethnicity, so that they impact on their self-esteem by limiting their ability to negotiate their sexual and reproductive rights.¹⁹⁹²
1406. Faced with this, the REDESCA recalls that in order to comply with international obligations of respect, guarantee, progressivity and cooperation on the right to health of people of African descent, it is central that States put the content of the same at the center of the schemes and

¹⁹⁸⁶ Diario Libre, [Dominican Republic Misses Diphtheria Vaccine Coverage Target](#), 9 April 2021

¹⁹⁸⁷ Diario Libre, [Dominican Republic Misses Diphtheria Vaccine Coverage Target](#), 9 April 2021

¹⁹⁸⁸ Documents Daily [Senate approves in second reading the national vaccine bill](#), September 14, 2021

¹⁹⁸⁹ Diario Libre, [DR to Receive Nearly 600,000 Flu Vaccines](#), 14 September 2021

¹⁹⁹⁰ Documents Daily [Department of EE. UU. confirms swine fever is in DR](#), 29 July 2021

¹⁹⁹¹ Digital RD, [Inequalities in the health plans of Afro-descendants in the Dominican Republic stand out](#), 23 March 2021

¹⁹⁹² Ibid

- policies that define its realization. In the same way, it is essential to integrate the social determinants of health in the actions that States implement with respect to this right, such as the equitable distribution of resources, cultural, ethnic, age, migratory, disability and gender perspectives, as well as in the effective participation of the population in health policies.¹⁹⁹³¹⁹⁹⁴
1407. Particularly with regard to the effective enjoyment of women's right to health, the REDESCA notes that in April the decriminalization of the termination of pregnancy was approved in the event that the life of the mother is in danger. The UN has recommended that the Dominican Republic also approve abortion in cases of rape or incest and malformations of the fetus incompatible with life, recalling that the State has ratified international treaties. Faced with this, it has been stated that "denying access to the interruption of pregnancy to women, particularly on all three grounds, violates the rights to their health, to their privacy and, in certain cases, to be free from cruel, inhuman and degrading treatment."¹⁹⁹⁵
1408. Regarding the high maternal mortality rate, the REDESCA notes that it does not correspond to the proportion of births with the assistance of specialized health personnel, which has remained close to 100%, according to the Second Voluntary National Report on the fulfillment of the 2030 Agenda of the Sustainable Development Goals. The document prepared by the Ministry of Economy, Planning and Development (MEPyD) indicates that this reveals the need to pay greater attention to the set of factors that affect the quality of service and medical care.¹⁹⁹⁶
1409. The REDESCA recalls that, as established by the IACHR, States have the duty to eliminate all de jure and de facto obstacles that prevent women from accessing the maternal health, sexual health, and reproductive health services they require, including information and education in the field of sexual and reproductive health. These measures must take into account the situation of special risk, lack of protection and vulnerability of girls and adolescents, as well as of women in particular situations of exclusion.¹⁹⁹⁷
1410. On the other hand, the REDESCA notes that, with the aim of continuing with the call for awareness on the promotion of integral health, sexual and reproductive education, the importance of medical consultation and the early detection and diagnosis of breast cancer, not only among women, but in the population in general, the non-profit organization TeenSmart International and the pharmaceutical company Roche signed a cooperation agreement to educate and train the adolescent population on these¹⁹⁹⁸topics.

¹⁹⁹³ CIDH – REDESCA, [Economic, Social, Cultural and Environmental Rights of people of African descent](#), 16 March 2021

¹⁹⁹⁴ Ibid

¹⁹⁹⁵ Digital RD, [Inequalities in the health plans of Afro-descendants in the Dominican Republic stand out](#), 23 March 2021

¹⁹⁹⁶ The Caribbean, [Maternal mortality continues to rise in DR](#), July 19, 2021

¹⁹⁹⁷ CIDH, [Violence and discrimination against women, girls and adolescents: Good practices and challenges in Latin America and the Caribbean](#), November 14, 2019

¹⁹⁹⁸ The Day, [Dominican adolescent population will have comprehensive training in breast cancer](#), 17 October 2021

1411. Likewise, with regard to the impact that the pandemic has brought in terms of the effective enjoyment of the right to housing as a determinant of the right to health, the REDESCA is aware of the launch of the social program financed by the national budget and donations from international organizations called "Supérate", which will seek to counteract the effects of poverty in the Dominican Republic, reaching 1,350 low-income households in the Santo Domingo region and the southwest region. In addition, the REDESCA takes note of the housing delivery program carried out by the National Housing Institute (INVI), with more than 100,000 applications, preparing to address the housing deficit in the¹⁹⁹⁹²⁰⁰⁰country.

B. Climate Emergency and Human Right to Water

1412. The REDESCA notes and expresses its dismay at the consequences facing the Dominican Republic after Tropical Storm Fred, which left thousands of people in the country without electricity or running water, also causing power lines and flooding to be demolished in the parts of the southern coast of the Dominican Republic, thus forcing the closure of parts of the aqueduct that supply water to the entire island.²⁰⁰¹

1413. Faced with the rains caused by Tropical Depression Grace, the REDESCA expresses its concern after the effects that these entail for the population. In this regard, it was learned that at least 1,375 people were displaced, while 33 aqueducts would be out of service, which would have affected 341,530 users. Faced with this situation, the Ministry of Public Works has deployed more than 100,000 officials to mitigate the damage caused by winds and rains.²⁰⁰²

1414. The REDESCA welcomes these actions and specifies that, as it has previously expressed, there are links between climate change and the occurrence of environmental disasters, which in addition to being increasingly recurrent, threaten the exercise of several human rights, including the generation of forced displacement of people and the increase in inequality and poverty. The Office of the Special Rapporteur also recalls that,²⁰⁰³ according to the Social Charter of the Americas, States should improve regional cooperation and strengthen their national technical and institutional capacity for disaster prevention, preparedness, response, rehabilitation, resilience, risk reduction, impact mitigation, and disaster assessment.²⁰⁰⁴

1415. In relation to measures adopted by the State to mitigate the impacts of pollution on the environment, the REDESCA takes note of the national clean-up day for World Coastal Cleanup Day,

¹⁹⁹⁹ Diario Libre, [Government launches "Supérate" program which replaces Progresando con Solidaridad](#), June 15, 2021

²⁰⁰⁰ The Jaya, [Dominican Republic responded massively to the call of the Mi Vivienda Plan in its first stage](#), July 13, 2021

²⁰⁰¹ Investing.com, [Storm Fred causes power outages in Dominican Republic and heads to Florida](#), August 12, 2021

²⁰⁰² Documents Daily [Nearly 1,400 people displaced by rains from Tropical Depression Grace](#), August 16, 2021

²⁰⁰³ CIDH, [IACHR and its REDESCA Express Solidarity with the People of the Bahamas for the Damages Caused by Hurricane Dorian and Call for Urgent Implementation of a Human Rights-Based Response](#), September 23, 2019

²⁰⁰⁴ CIDH, [The IACHR and the REDESCA express solidarity with the Haitian people in the face of a magnitude 7.2 earthquake, urging the State and the international community to adopt an immediate and comprehensive humanitarian response](#), August 15, 2021

through which the Ministry of the Environment seeks to warn and raise awareness about the growing pollution of the seas and oceans that affects marine ecosystems.²⁰⁰⁵

1416. Likewise, the REDESCA welcomes the plan to reduce refrigerant gases that cause global warming, with the aim of turning the country's capital into a sustainable city that serves as a model for other demarcations of the country. To this end, the Dominican Government, through the Ministry of Environment and Natural Resources, signed an agreement with the Council for Strategic Development of Santiago (CDES) and the United Nations Development Program (UNDP).²⁰⁰⁶

1417. With regard to the effects of climate change, the REDESCA observes that the Dominican Republic is in the first line of impact due to the effects of climate change, despite being a nation that emits, comparatively, less CO₂ than many other countries. Forest fires, desertification, coastal erosion and sargassum encroaching beaches are clear evidence of the impact of climate change on the²⁰⁰⁷country.

1418. In relation to this and with regard to COP26, the REDESCA notes that the State of the Dominican Republic announced that they have two fundamental policies: the elimination of fossil fuels and the promotion of electric mobility. ²⁰⁰⁸ Likewise, the Government expressed those consuming natural resources and destroying ecosystems in the name of growth is no longer an option. ²⁰⁰⁹ Without detriment to this, it is urged to continue taking actions for the protection of the environment and the ESCERs, putting all the effort in the protection and restoration of nature.

C. Business and Human Rights

1419. With regard to the relationship between business activities and the enjoyment of human rights, the REDESCA notes that, in the area of tourism, the World Travel and Tourism Council (WTTC) has awarded the Safe Travels seal to different countries in the region, including the Dominican Republic, for complying with all the hygiene protocols established for a reactivation of tourism in the post-confinement stage. In addition, the Ministry of Tourism of the Dominican Republic (MITUR) works to certify those establishments that apply good biosecurity practices. The security seal brings together biosecurity measures and protocols designed under the guidelines of the World Health Organization (WHO) and that are applicable to sectors of the tourism industry such as aviation, cruise ships, convention centers, tour operators, among others.²⁰¹⁰

²⁰⁰⁵ Diario Libre, [Dominican Republic carries out national day cleaning rivers and beaches](#), 19 September 2021

²⁰⁰⁶ Caribbean Business, [DOMINICAN REPUBLIC AND UNDP SIGN AGREEMENT TO REDUCE THE GASES THAT CAUSE GLOBAL WARMING IN THE CARIBBEAN COUNTRY](#), September 20, 2021

²⁰⁰⁷ TODAY [DR is one of the countries that suffers the most climate change effects](#), 27 October 2021

²⁰⁰⁸ Listin Daily [Dominican Republic needs more than \\$8.5 billion for climate change adaptation](#), 21 October 2021

²⁰⁰⁹ TODAY [DR is one of the countries that suffers the most climate change effects](#), 27 October 2021

²⁰¹⁰ News in America, [Central America and the Dominican Republic, internationally recognized as safe destinations for tourism in times of COVID-19](#), March 26, 2021.

1420. In this regard, the Office of the Special Rapporteur DESCA notes that, from the Ministry of Tourism, it was assured that the hotel, bar and restaurant sector registered an economic growth of 26% between January and August, which would have doubled the national average. As a result, 80,000 jobs would have been created, putting employment in the industry at 86% – levels similar to those registered in 2019. In this way, the Dominican Republic continues to consolidate itself as one of the countries with the fastest recovery in its tourism activity in the Americas.²⁰¹¹
1421. In this context, the REDESCA reminds the State that, as established in the IACHR report on Business and Human Rights, tourism companies are included in those about which States have the duty to ensure the adoption of adequate measures to prevent the real risks against human rights arising from the actions of companies of which they have or should have knowledge materialize. Therefore, once the possible impacts and concrete risks have been identified, States must adopt, or where appropriate, require and ensure that the company involved implements the corresponding measures. In this regard, the REDESCA calls on the State of the Dominican Republic to ensure that, in the responsible growth of the tourism industry, respect for human rights and the application of inter-American standards in this area are ensured.²⁰¹²

D. Labor and Trade Union Rights

1422. With regard to the effective enjoyment of Labor and Trade Union rights, the REDESCA notes that the results of the National Continuous Labor Force Survey (ENCFT) showed that, in year-on-year terms, total employment increased by 302,958 inhabitants, for a growth of 7.05% compared to July – September 2020.²⁰¹³
1423. With regard to the youth unemployment rate, the REDESCA notes that the Dominican Republic ranked first in Latin America and the Caribbean in youth unemployment, with 29 per cent, compared to an average of 17 per cent in the other countries in the region. Thus, 850 thousand Dominicans have been identified as the "NINI" generation, not studying or working.²⁰¹⁴ In this sense, REDESCA expresses its concern that the employment situation of this population group would have led young people to have to resort to local and global execution task platforms (jobs that are carried out digitally) as an alternative to high unemployment.²⁰¹⁵
1424. In line with the above, the REDESCA expresses its concern about the figures of the Child and Youth Welfare Survey on work in adolescents, which show that 36% of adolescents between 12 and 15 years old are working, instead of studying full-time. Of those, 15% do so because they have to help with household expenses, 10% because they have to cover all their expenses, and 6%

²⁰¹¹ Hosteltur, [Dominican Republic recovered 86% of tourism jobs pre-pandemic](#), 4 October 2021

²⁰¹² CIDH, OEA/Ser.L/V/II CIDH/REDESCA/INF.1/19: [Business & D Report Human Rights, Inter-American Standards](#), November 1, 2019

²⁰¹³ Diario Libre, Total employment exceeds 4.5 million workers in the Dominican Republic

²⁰¹⁴ The Day, [850 thousand young Dominicans fall into the NINI generation, due to lack of jobs and studies](#), January 29, 2021.

²⁰¹⁵ Diario Libre, [Platforms: the opportunity for employment in a precarious labor market](#), 27 July 2021

because their parents lost their job or source of income during the²⁰¹⁶pandemic. With regard to these facts, the REDESCA recalls that States must ensure that people have the possibility of accessing decent jobs in the main economic and occupational sectors without any discrimination. For this reason, the REDESCA calls on the State to design programs to promote rights and opportunities within companies, whether public or private, as well as policies aimed at eradicating discrimination in the workplace.²⁰¹⁷

E. Fiscal and Economic Policies

1425. Regarding fiscal and economic policies designed by the government regarding the enjoyment of various ESCER, the Office of the Special Rapporteur notes that the Dominican government launched a social program called "Supérate," which will seek to counteract the effects of poverty in the Dominican Republic and seeks to reach one million 350 low-income households in Greater Santo Domingo and the southwest region. The program will be financed from the National Budget, as well as donations from international organizations. The Office of the Special Rapporteur notes that the program includes the "La Doble" card, which will raise beneficiaries from RD\$650 to RD\$1,650, who will also be included in the other components of the plan. Among these components are: health and food security, which will provide food to prevent child²⁰¹⁸malnutrition, as well as an emergency bonus in case of being affected by natural phenomena; economic inclusion, through the generation of jobs and possibilities of entrepreneurship through the Infotep (Institute of Vocational Technical Training).²⁰¹⁹

1426. The REDESCA takes note of the progress presented with respect to this program, since dozens of low-income families in the Cristo Rey sector have benefited from the Supérate programs that are executed through the Comprehensive Citizen Security Strategy, which began with the pilot project. It was also pointed out that, two months after the plan began, some 15 programs have been developed through the management of Supérate, among them: training in different areas of beauty, crafts, painting and others, which lays the foundations for these people to improve their living conditions, get out of poverty levels, can create sources of employment and²⁰²⁰²⁰²¹ be inserted into microenterprises.

1427. Without prejudice to the foregoing, the REDESCA takes note of the concerns expressed by the coordination of the Dominican Human Rights Committee (CDDH) about the lack of attention to their claims and the lack of guarantees for rights such as education, health or housing, especially for populations with limited economic²⁰²²resources.

²⁰¹⁶ Diario Libre, [36 percent of adolescents between 12 and 15 years old work and do not study](#), July 15, 2021

²⁰¹⁷ CIDH, [Compendium on Labor and Trade Union Rights. Inter-American Standards](#), October 30, 2020

²⁰¹⁸ Presidency of the Dominican Republic, [Government launches new social program "Supérate": ensure food security and decent jobs](#), 4 January 2021

²⁰¹⁹ Diario Libre, [Government launches "Supérate" program which replaces Progresando con Solidaridad](#), June 15, 2021.

²⁰²⁰ Presidency of the Dominican Republic, [Supérate Program Presents Achievements in Cristo Rey neighborhood](#), August 2, 2021

²⁰²¹ Ibid

²⁰²² The Digital Universal, [Human rights of thousands remain at risk in Dominican Republic](#), 4 October 2021

F. Education, science, technology: academic freedom and university autonomy

1428. With regard to the effective enjoyment of the right to education, the REDESCA notes that schools in the Dominican Republic presented deficiencies in continuing with educational classes in the context of the pandemic caused by the COVID-19 virus. In Santo Domingo, facilities with failures in the electric power service are reported, with internet connectivity being the main obstacle to monitoring and feedback between students and teachers.²⁰²³
1429. In this regard, the Office of the Special Rapporteur notes that, as an example, in an educational center in Yamasá, Monte Plata province, it was specified that, as of February, of an enrollment of 96 students, 20% do not have access to technological platforms. Likewise, that, of a total of 7,800 public centers nationwide, 601 schools do not have electricity, which is equivalent to 7.7%, along with 3,798 would not have internet, corresponding to 48.6%.²⁰²⁴
1430. Likewise, the REDESCA takes note of the consideration of the National Association of Young Entrepreneurs (ANJE) that the return to school should be prioritized, as is being done with the economic reopening; affirming that there is no economic recovery without an adequate recovery of education, understanding that the Dominican Republic has the necessary conditions to reopen schools.²⁰²⁵In this sense, it is observed that, in September, after a year and a half of virtual education due to the Covid-19 pandemic, more than 2 million students are summoned for this school year, both in the public and private sectors, following a rigorous health protocol to prevent infections in educational centers.²⁰²⁶
1431. The REDESCA also takes note of what was expressed by the executive director of Acción Empresarial por la Educación (Educa), encouraging the Government's decision to carry out the next school year in person, for which a series of measures have been recommended to improve the quality of the Dominican educational system. In relation to the virtual modality of classes, the REDESCA pays special attention to the inequality and difficulties faced by people in vulnerable situations who do not have the conditions to follow the school calendar. The REDESCA also takes note of the announcement of the Ministry of Higher Education, Science and Technology through which it was reported that, although from August classes in the country's universities will be face-to-face for those enrolled who have their vaccine against Covid-19, those immunized who prefer to maintain virtuality will be able to do²⁰²⁷²⁰²⁸²⁰²⁹so.
1432. Regarding this information, the REDESCA recalls what was expressed in Resolution 1/2020 of the IACHR, which establishes that States must have mechanisms that allow children to continue with access to education and with the stimuli that their age and level of development

²⁰²³ The Caribbean, [The challenge of bringing education to forgotten communities in the Dominican Republic](#), 25 February 2021

²⁰²⁴ The Caribbean, [The challenge of bringing education to forgotten communities in the country](#), 25 February 2021

²⁰²⁵ Diario Libre, ["There is no economic recovery without the recovery of education"](#), 18 March 2021

²⁰²⁶ The New Journal, [Dominican schools reopen with "rigorous" health protocol by covid](#), 20 September 2021

²⁰²⁷ The Caribbean, [Educa applauds new school year either with the face-to-face modality](#), July 12, 2021

²⁰²⁸ Ibid

²⁰²⁹ Documents Daily [University students can choose between face-to-face or virtuality](#), August 2, 2021

require. Likewise, the REDESCA calls, among other measures, to: have mechanisms that allow access to education with the stimuli and methodologies that the age and level of development of children and adolescents require; ensure that the education system has sufficient budget to ensure the protection of the physical, mental and psychosocial well-being and health of children and adolescents in the field of education; adopt relevant digital connectivity measures to give continuity to sexual and reproductive education in remote learning and prepare for the reopening of educational establishments and buildings, planning measures to prevent contagion and following the decisions of health authorities, based on regulations and scientific evidence.²⁰³⁰²⁰³¹

1433. With regard to international cooperation, THE REDESCA notes that the Dominican Republic received 537,432 electronic tablets to support the distance education plan launched as a result of the pandemic, within the framework of a purchase process carried out with the support of the United Nations Development Program (UNDP). The Office of the Special Rapporteur welcomes the fact that it has been reported that the tablets would be intended for students in the public education network and account for 67% of the 800,000 units of electronic devices purchased by the Government for students in the country. The REDESCA welcomes this initiative, which would seek to use the media to guarantee access to education for all children without any discrimination.²⁰³²²⁰³³

1434. Finally, THE REDESCA welcomes the initiative of education programs in universities that address gender-based violence. According to official information, more than 40 meetings have been held on the aforementioned issue with the university community, impacting more than 6,400 people. The REDESCA also received information on preventive measures in this area, such as²⁰³⁴²⁰³⁵ the creation of the Prevention Guidelines for Students and Teachers at the Primary and Secondary Levels carried out in coordination with the Ministry of Education (MINERD).

G. Human Mobility and ESCER

1435. With regard to the impacts of Human Mobility on ESCER, the REDESCA has closely monitored the situation throughout the year in the country. In this regard, the Office of the Special Rapporteur notes with concern what was announced by the President of the country, regarding the construction of a fence along its border with Haiti, it stretches for about 380 km or 236 miles, announcing that it will stop what I call illegal immigration, drugs and the flow of stolen vehicles between the two²⁰³⁶countries.

²⁰³⁰ CIDH - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

²⁰³¹ Ibid

²⁰³² Swiss Info, [Dominican Republic receives half a million tablets for students](#), 13 April 2021

²⁰³³ CIDH - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

²⁰³⁴ Permanent Mission of the Dominican Republic to the Organization of American States (OAS), Official Letter MPRD-OAS-1383-21, November 23, 2021.

²⁰³⁵ The New Journal, [Dominican schools reopen with "rigorous" health protocol by covid](#), 20 September 2021

²⁰³⁶ Caribbean National Weekly, [Dominican Republic to Build Wall on Haiti Border](#), 6 of March Feb 2021

1436. The REDESCA also expresses its concern about the policy adopted by the State of the Dominican Republic, which is dedicated to confronting irregular immigration, affirming that it will work focused on "attacking" those who transport people who come from Haiti irregularly, those who give them work and those who rent them housing, as reported by the Director General of Migration. Faced with this, the REDESCA calls for the adoption of a human rights approach to human mobility and reminds the State that the guarantee of ESCER must be carried out without discrimination for all persons under its jurisdiction.²⁰³⁷
1437. Likewise, the REDESCA takes note of the measures taken by the Government of the Dominican Republic with respect to employers of migrants in the country, which include a deadline for contractors and individuals who hire labor in violation of the immigration and labor laws of the Dominican Republic, who will face drastic sanctions if they fail to comply with them. To achieve this goal, the Office of the Special Rapporteur observes that the Government granted a period of three months to companies and individuals in particular that have hired foreigners irregularly, to regularize their status during that period, otherwise they will be punished with fines ranging from 5 to 30 minimum wages.²⁰³⁸
1438. On the other hand, the REDESCA notes that the General Directorate of Migration began in April the process of regularization of more than 115,000 people from Venezuela who reside irregularly in the Dominican Republic. In this context, the REDESCA²⁰³⁹ notes that, in April, the Dominican Republic reported working on the implementation of a card that will facilitate the entry into the country of Haitian merchants in the border area.²⁰⁴⁰
1439. While acknowledging the progress that these measures imply, the REDESCA takes the opportunity to reiterate that security in migratory posts must always be oriented to the protection of migrants and their rights, guaranteeing the right to life, human dignity, education and health, among other ESCER, paying attention to people who are in a particularly vulnerable²⁰⁴¹ situation.

²⁰³⁷ The Caribbean, [Migration will "attack" those who welcome illegals](#), March 5, 2021.

²⁰³⁸ The constituent, [Dominican Republic tightens immigration controls](#), 29 September 2021

²⁰³⁹ Diario Libre, [Migration begins regularization of Venezuelans in the country](#), 9 April 2021

²⁰⁴⁰ Diario Libre, [Migration takes steps to grant Notebooks to Haitian traders entering dr](#), 23 April 2021

²⁰⁴¹ CIDH, [Resolution 04/19: Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Trafficking in Persons](#), December 7, 2019

30) SAINT KITTS AND NEVIS

1440. Regarding economic, social, cultural and environmental rights in Saint Kitts and Nevis, the REDESCA has closely followed the consequences of the pandemic on the enjoyment of the right to health, as well as the effects of climate change in the country, including as one of the reasons for human mobility. In addition, the Office of the Special Rapporteur has monitored the impacts of the fiscal and economic policies adopted, as well as the special situation of the rights to education and the labor rights of the population. In this context, each of these strategic guidelines is developed.

A. Right to Health and its Social Determinants

1441. Faced with the guarantee of the right to health, the REDESCA highlights the efforts of the State of Saint Kitts and Nevis to strengthen the capacities of the health system to respond to the emergency, as well as to vaccinate the population. According to official data, as of December 20, 2021, there were 2,801 confirmed cases of coronavirus, and a total of 28 people have died, due to COVID-19. With regard to vaccination in the country, the REDESCA highlights that, as of November 2, 2021, a total of 24,465 people would already be fully vaccinated, that is, 46.18% of the total population, and 72.7% of the adult population.²⁰⁴²²⁰⁴³

1442. The Office of the Special Rapporteur notes that, according to the International Monetary Fund study, the rapid action of the government of Saint Kitts and Nevis helped contain the impact of the pandemic on public health. In that regard, the government quickly restricted travel abroad, introduced a month-long national lockdown, and purchased medical and protective equipment. The reopening of the borders at the end of October 2020 was accompanied by strict security protocols also in 2021. In this context, response measures have effectively mitigated the human cost of the pandemic, with Saint Kitts and Nevis being the country with the lowest number of cases per capita in the Western Hemisphere.²⁰⁴⁴

1443. Likewise, the REDESCA learned that the government has taken the opportunity to establish legal frameworks to respond to the COVID-19 crisis and health emergencies in the future. Along these lines, the National Assembly approved the *COVID-19 Prevention and Control Bill*, which creates new legal frameworks to face the pandemic, in addition to clarifying and formalizing government administrative structures, public health interventions and protocols for the treatment and prevention of diseases. In addition, social distancing regulations remain in force, and police approval is required for all social events in public or private areas.²⁰⁴⁵

1444. On the other hand, the Office of the Special Rapporteur emphasizes that, with respect to the economic effects of the pandemic, Saint Kitts and Nevis continues to finance welfare projects and create new initiatives, including the poverty alleviation program, the Fresh Start *program*, which helps small businesses and grants moratoriums on certain mortgages, insurance, and taxes. In addition, funds from the Citizenship by Investment (CBI) Program were allocated to help the economy during the pandemic, in addition, the CBI funded the Poverty Alleviation Program, which

²⁰⁴² Saint Kitts and Nevis, [Covid-19: National Statistics](#), December 20, 2021.

²⁰⁴³ Saint Kitts and Nevis, [Covid-19: National Statistics](#), December 20, 2021.

²⁰⁴⁴ IMF, [St. Kitts and Nevis: 2021 Article IV Consultation](#), 17 of December Feb 2021

²⁰⁴⁵ LACCOM, [Map of COVID-19 in Latin America and the Caribbean: Saint Kitts and Nevis](#), updated May 2021

provided low-income households with a monthly stipend.²⁰⁴⁶ For this reason, REDESCA welcomes the actions and urges the country's authorities to continue carrying out actions that favor the rights of the people who inhabit the region.

B. Climate Emergency and Human Right to Water

1445. On the issue of climate change, the REDESCA stresses with concern that sea level rise poses a significant risk to Saint Kitts and Nevis. According to the State's updated Nationally Determined Contribution and released in October 2021, sub-regional models project that sea level in the vicinity of the country will rise between 0.3 and 1.2 meters by the year 2100 under various emission scenarios. Low-elevation settlements in Saint Kitts and Nevis are also expected to flood frequently due to storm surges, with a substantial impact on housing and infrastructure, and critical sectors such as tourism, agriculture and water are expected to be adversely affected by coastal erosion. the loss of beaches and coastal lands and saline intrusion into freshwater lenses.²⁰⁴⁷

1446. In this context, these impacts would increase the costs associated with the development and maintenance of coastal defenses and coastal infrastructure, including critical transport, housing and public services infrastructures. In addition, floods and floods associated with rising sea levels can also increase human mobility – including displacement, migration and relocation of communities – resulting in economic costs as well as non-economic losses and damage. This includes the loss of culture, lifestyle, traditions and heritage; negative impacts on physical health and mental and emotional well-being; the loss of sense of place and identity and the decline of self-determination, dignity and sovereignty.²⁰⁴⁸

1447. In light of the above, the Office of the Special Rapporteur notes that the country's latest revision of the NDC promises a significantly more ambitious mitigation goal, consisting of reducing CO2 emissions from the entire economy by 61% by 2030, compared to the base year 2010, as long as there is adequate access to resources, including climate finance, as well as support for capacity-building. This would be achieved by switching to 100% renewable energy in electricity generation and increasing the share of electric vehicles in the vehicle fleet to at least 2%. In addition, Saint Kitts and Nevis seeks financial and capacity-building support to develop the charging infrastructure and training programs needed to enable a rapid decarbonization of the transport sector.²⁰⁴⁹

1448. On the other hand, the Office of the Special Rapporteur takes note of the efforts of the country's authorities to propose a new bill that includes the management of solid waste, including its collection, storage, and disposal in accordance with best environmental practices and other similar matters, in addition to trying to implement a practical system that would allow the Solid Waste Management Authority of the Island of Nevis to have complete supervision of the management of

²⁰⁴⁶ LACCOM, [Map of COVID-19 in Latin America and the Caribbean: Saint Kitts and Nevis](#), updated May 2021

²⁰⁴⁷ UNFCC, [St. Kitts and Nevis: Updated Nationally Determined Contribution. Communicated to the UNFCCC October 2021](#), retrieved 20 December 2021

²⁰⁴⁸ UNFCC, [St. Kitts and Nevis: Updated Nationally Determined Contribution. Communicated to the UNFCCC October 2021](#), retrieved 20 December 2021

²⁰⁴⁹ UNFCC, [St. Kitts and Nevis: Updated Nationally Determined Contribution. Communicated to the UNFCCC October 2021](#), retrieved 20 December 2021

the process undertaken by the authority.²⁰⁵⁰ This is of great importance, because if the environmental impact is consolidated it would be considerably positive, so the REDESCA invites the authorities to join the necessary efforts to strengthen environmental protection in the country.

C. Labor and Trade Union Rights

1449. Regarding the enjoyment of labor rights, the REDESCA points out that, due to the reopening in October 2021 of the country's borders, the tourism authorities of Saint Kitts and Nevis, in order to protect the health of the people involved in this activity, has determined that workers in the tourism industry who are in contact with cruise ship passengers must receive biweekly COVID-19 tests or vaccination. The REDESCA also learned that the country's Social Security Council (SSB) paid workers who lost their jobs or had their working hours reduced (approximately one quarter of the working-age population), at a total cost of approximately 0.9% of GDP.²⁰⁵¹²⁰⁵²

1450. Due to the above, the REDESCA welcomes the initiatives of the State to guarantee the protection of workers exposed in the main economic activity of the country, as well as the policies to support unemployment or the reduction of income due to the context of the COVID-19 pandemic.

D. Fiscal and Economic Policies

1451. Regarding fiscal and economic policies in the country, the REDESCA notes that the International Monetary Fund (IMF) considered that Saint Kitts and Nevis entered the COVID-19 pandemic from a position of fiscal strength after almost a decade of budget surplus. However, according to the IMF, the impact on the economy has been severe. The total cessation of the arrival of cruise ships and the low arrival of tourists since the first quarter of 2020 have aggravated the impact of the pandemic on national economic activity.²⁰⁵³²⁰⁵⁴

1452. Along the same lines, the Office of the Special Rapporteur notes with concern that the pandemic has caused an estimated annual decline in GDP of 14%, and the first fiscal deficit of general government (4.7% of GDP) since 2010, financed through the use of large reserves of deposits. Following the loss of the 2020-21 winter tourism season and the slow recovery of tourism flows to date, a small additional decline in GDP of 1% is forecast in 2021, followed by a growth of 10% in 2022.²⁰⁵⁵

1453. On the other hand, the REDESCA welcomes that, trying to minimize the effects of the pandemic, the government introduced tax exemptions, deferrals and incentives, and the Social Security Board provided unemployment benefits to the affected insured workers. In parallel, regional and national financial supervisors quickly introduced temporary measures, including loan moratoriums, which supported liquidity and effectively mitigated the impact of the pandemic on the financial system. In addition, the Office of the Special Rapporteur learned that the

²⁰⁵⁰ Associates Times, [New bill to improve solid waste management structure: Mark Brantley](#), July 14, 2021.

²⁰⁵¹ LACCOM, [Map of COVID-19 in Latin America and the Caribbean: Saint Kitts and Nevis](#), updated May 2021

²⁰⁵² IMF, [St. Kitts and Nevis: 2021 Article IV Consultation](#), 17 of December Feb 2021

²⁰⁵³ IMF, [St. Kitts and Nevis: 2021 Article IV Consultation](#), 17 of December Feb 2021

²⁰⁵⁴ IMF, [St. Kitts and Nevis: 2021 Article IV Consultation](#), 17 of December Feb 2021

²⁰⁵⁵ IMF, [St. Kitts and Nevis: 2021 Article IV Consultation](#), 17 of December Feb 2021

government of Nieves, during 2021, has invested 15 million dollars in the agricultural sector as part of its efforts to promote food security and stimulate the economy. ²⁰⁵⁶²⁰⁵⁷

E. Education, science, technology: academic freedom and university autonomy

1454. With respect to the right to education, the Office of the Special Rapporteur notes that on June 3, 2021, the Ministry of Education, in view of the context of the COVID-19 pandemic, decided that the resumption of face-to-face teaching in schools will not take place during the rest of the school year. It has been decided that primary school girls and boys will not take any exams, but will be assessed based on what they have done during the school year so far. As for secondary schools, students will be able to take their common exams.²⁰⁵⁸

1455. On the other hand, REDESCA highlights that the Secretary of Education of the State has developed a protocol on the Guidelines for the Reopening of Schools 2021-2022, which indicates the different levels of school emergency and the subsequent actions of the Secretariat to protect the health and guarantee the safety of all the personnel of the different educational institutions, in addition to describing the logistical arrangements for the operation of schools in the face of the national COVID-19 situation. In this regard, the REDESCA reiterates the importance of ensuring that the necessary hygiene and social distancing measures are guaranteed to protect educational and administrative personnel, as well as children and adolescents, when face-to-face classes return.²⁰⁵⁹

F. Human Mobility and ESCER

1456. Regarding human mobility and ESCER, the REDESCA highlights its concern about the information contained in the study published in 2021 by the International Organization of Migrants (IOM) on migration, environment, disasters and climate change in the country. In that report, IOM warns that the increased frequency and intensity of extreme weather events across the Eastern Caribbean, as a result of ongoing changes in global climate and ecological systems, has led to the destruction of critical infrastructure in Saint Kitts and Nevis, and is a major cause of economic losses and population displacement. Given that climate scenarios point to a higher incidence of such events in the near future, (forced) population displacements are likely to be much more severe in the country. ²⁰⁶⁰²⁰⁶¹

1457. In addition, the study notes that, among the 10 policies and legislation related to migration, the environment, climate change and disasters that were identified in Saint Kitts and Nevis, only the second national communication on climate change referred to the issue. For this reason, the

²⁰⁵⁶ IMF, St. Kitts and Nevis: 2021 Article IV Consultation, 17 of December Feb 2021

²⁰⁵⁷ LACCOM, Map of COVID-19 in Latin America and the Caribbean: Saint Kitts and Nevis, updated May 2021

²⁰⁵⁸ Caricon today, St. Kitts and Nevis Ministry of Education Cancels Face-to-Face Instruction at Schools for Remainder of School Year, 9 of June Feb 2021

²⁰⁵⁹ Cuba in Debate, Resumption of the school year will be carried out once the vaccination campaign is over, 12 September 2021

²⁰⁶⁰ IOM, Migration, Environment, Disaster and Climate Change Data in the Eastern Caribbean: Saint Kitts and Nevis Country Analysis, 28 of September Feb 2021

²⁰⁶¹ IOM, Migration, Environment, Disaster and Climate Change Data in the Eastern Caribbean: Saint Kitts and Nevis Country Analysis, 28 of September Feb 2021

REDESCA calls on the State to develop effective regulations and policies to address the phenomenon in the country, making itself available to the authorities to establish dialogues and strategies around the issue.²⁰⁶²

²⁰⁶² IOM, [Migration, Environment, Disaster and Climate Change Data in the Eastern Caribbean: Saint Kitts and Nevis Country Analysis](#), 28 of September Feb 2021

31) SAINT VINCENT AND THE GRENADINES

1458. In relation to ESCER in Saint Vincent and the Grenadines, the REDESCA has followed up on various instances that would be impacting the enjoyment and guarantee of these rights. In particular, the distribution and access to vaccines, as well as the differentiated impacts of climate change and in addition to the various challenges that the country faces due to existing poverty and inequality. However, the REDESCA notes that given the eruption of the La Soufrière volcano in April 2021, it has meant a series of additional obstacles to guarantee the full validity of the ESCER in the country. The Office of the Special Rapporteur stands in solidarity with the families of the victims of this mishap in Saint Vincent and the Grenadines, as well as with the people of Saint Lucia who were affected by the eruption.²⁰⁶³ Below is an overview of the most important data on the situation of ESCER in Saint Vincent and the Grenadines in terms of different strategic lines of action of the REDESCA.

A. Right to Health and its Social Determinants

1459. In relation to the right to health in the country, the REDESCA notes that one of the main challenges has been the acquisition and distribution of vaccines against COVID-19. In a message made by the Prime Minister in the framework of the 76th General Assembly of the United Nations, he stressed that in the context of the pandemic an unacceptable health nationalism has been observed; the politicization of vaccine deployment; and the deployment of vaccines for the rich first and for the poor later. Factors such as misinformation and fake news around vaccination have also added obstacles to being able to complete immunizations in the country.²⁰⁶⁴

1460. In this regard, the REDESCA observes that, according to PAHO data, as of December 17, 2021, the country has administered a total of 59,702 doses, of which 25,261 refer to people who have completed their inoculation schedule.²⁰⁶⁵ In that sense, the REDESCA looks with concern that in April 2021 the country received a shipment of 24,000 doses from the COVAX mechanism, from AstraZeneca.²⁰⁶⁶ The Office of the Special Rapporteur also welcomes the fact that the government of Argentina has donated 11,000 doses of the same drug to the country, within the framework of a cooperation agreement signed between that government and the Organization of Eastern Caribbean States.²⁰⁶⁷

1461. On the other hand, the REDESCA highlights the donation made by the State to the country of Trinidad and Tobago of 5 thousand doses of AstraZeneca given that the demand in the country of origin was not as expected. In that sense, it draws attention to the mandate that the COVAX mechanism requested the government of San Vicente to cancel a value of 70 thousand dollars USD, since those doses had to be returned to the mechanism and not be delivered directly by the

²⁰⁶³ International Committee of the Red Cross, [Caribbean Islands: La Soufrière volcanic eruption](#)

²⁰⁶⁴ United Nations [St. Vincent's Prime Minister urges world to 'rise collectively' and combat today's challenges](#), 25 September 2021

²⁰⁶⁵ PAHO, Vaccine Tracker, updated December 17, 2021

²⁰⁶⁶ PAHO [St. Vincent and the Grenadines receives the first COVID-19 vaccines through the COVAX Facility](#), April 7, 2021

²⁰⁶⁷ Government of Saint Vincent and the Grenadines, [Argentina donates 11,000 doses of AstraZeneca vaccines to SVG](#), December 1, 2021

country. However, the government of Saint Vincent and the Grenadines made the payment to the international entity.²⁰⁶⁸

1462. The REDESCA takes note of the efforts and highlights the solidarity expressed by the State in seeking solutions that will facilitate access to vaccines for countries that have not achieved it. In that regard, the REDESCA congratulates the spirit of solidarity of the government of Saint Vincent and the Grenadines in donating the vaccines that it has failed to distribute.

1463. However, the REDESCA expresses its concern regarding vaccination rates in the country, particularly regarding the low interest on the part of some sectors of the population in accessing vaccines. In this regard, the Office of the Special Rapporteur urges the State to continue making the necessary efforts to combat disinformation and thus reduce doubts about the vaccine. To this end, the REDESCA withdraws that within the framework of Resolution 1/2021 of the IACHR, a series of recommendations are provided to the State to promote access to information and especially to combat disinformation.

1464. In this regard, the mandate also calls upon the State that, in the event of requiring any type of technical assistance in this regard, it makes itself available to contribute in this regard. In the same way, it recalls that if it wants to implement any health mandate that limits rights, these must comply with the provisions of Resolution 1/2020 of the IACHR and Resolution 1/2021 mentioned above.

B. Climate Emergency and Human Right to Water

1465. In relation to the impacts of climate change on human rights, particularly on ESCER, the mandate takes note of the risk situation facing the country, as the Caribbean has been identified as one of the areas most at risk from the onslaught of climate change. According to public information, both the eruption of the La Soufriere volcano and the unusual abundant rainfall recorded this year have caused the displacement of at least 20,000 people, out of a total population of 110,000. At the same time, it is estimated that between 2010 and 2015 the damages caused by changes in weather patterns are equivalent to the entire GDP of the country.²⁰⁶⁹

1466. In this regard, the REDESCA highlights the recent visit made by the United Nations Special Rapporteur on the environment and human rights between November 25 and December 2, 2021. In this regard, within his findings, the Special Rapporteur highlighted the progress made by the State in addressing the situation with regard to access to water and sanitation, solid waste management and adaptation to climate change.²⁰⁷⁰

1467. However, the Office of the Special Rapporteur takes note of what the Special Rapporteur on the situation of the island said, since it would be an exemplary case on the impact of climate change on small and island States. According to the United Nations Special Rapporteur, the situation in Saint Vincent and the Grenadines would constitute a typical case of climate injustice, since without

²⁰⁶⁸ The Gleaner, [COVAX tells St Vincent to pay for vaccines it donated to Trinidad](#), December 3, 2021

²⁰⁶⁹ Reuters [St. Vincent PM says Caribbean state needs aid to manage climate change](#), December 16, 2021

²⁰⁷⁰ UN [Statement of United Nations Special Rapporteur David R. Boyd on the conclusion of his mission to Saint Vincent and the Grenadines](#), December 2, 2021

being one of the largest contributors to greenhouse gases, the impacts of this will be disproportionate in the country, especially in the populations that are in a situation of greater vulnerability.²⁰⁷¹

1468. In view of the above, the REDESCA takes careful note of what was said by the United Nations Rapporteur, since the information will be relevant for the monitoring of this situation in the country. In this regard, the REDESCA urges that measures be taken at the regional level to curb the different impacts of climate change, based on the principle of common but differentiated responsibilities and making itself available to the American States, especially those of the Caribbean, to develop efforts in this direction.

C. Labor and Trade Union Rights

1469. In relation to labor rights in the country, the REDESCA takes note of the mandatory mandates to be vaccinated issued by the executive through Order No. 28 of October 19, 2021. It describes that the vaccination is mandatory for all workers in the health sector, public education (including higher education), and public servants including those belonging to the port and airport authority of the country.²⁰⁷²

1470. Faced with this situation, the REDESCA observes that different unions and civil society groups expressed their opposition to the measure, through the realization of various protests organized by unions of health and education professionals. There were even reported sit-down protests in the country's schools, in the face of the proposal to make the vaccine mandatory. In particular, the educators pointed out that their opposition is not against the vaccine, but against the obligatory nature of it.²⁰⁷³

1471. However, the REDESCA is also aware that in the case of the protests that took place at the Centre for Higher Community Studies in Saint Vincent and the Grenadines, the protests also occurred regarding the lack of pension plans, the reclassification of the staff of the study center, lack of provisions on payments for dismissals and on membership of the country's public or private work regime.²⁰⁷⁴

1472. On the other hand, representatives of the teachers' unions mentioned that vaccines would also be affecting other aspects of daily life, such as purchasing power and credit. According to public information, members of the teaching staff would not be able to access loans or other banking services if they did not show that they had been vaccinated.²⁰⁷⁵ However, the prime minister said that given the situation of teachers would not attend work, he would hire new teachers or also those who are retired, on temporary contracts if applicable.²⁰⁷⁶

²⁰⁷¹ *Idem*

²⁰⁷² *Gazeta of the Government of Saint Vincent and the Grenadines*, [SR&O No. 28 of 2021](#), 19 October 2021

²⁰⁷³ *Caribbean National Weekly*, [St Vincent Teachers Stage 'Sit-in' Protest against Vaccine Mandate](#), November 29, 2021

²⁰⁷⁴ *St. Vincent Times*, [Lecturers and workers protest as Vaccine Mandate takes effect in SVG](#), November 19, 2021

²⁰⁷⁵ *St. Vincent Times*, [SVG Teachers Union Protests COVID Vaccine Mandate in St Vincent's Capital](#), 10 December 2021

²⁰⁷⁶ *The Gleaner*, [St Vincent gov't prepared to hire replacements for teachers protesting vaccine mandate](#), December 2, 2021

1473. In this context, the REDESCA condemns and rejects the aggressions received by the prime minister outside the Legislative Assembly when he was about to enter parliament to render accounts regarding the proposal of the obligatory nature of the vaccine. The assault caused the prime minister to bleed from his head and have to be removed from the compound for treatment.²⁰⁷⁷
1474. Taking into consideration the foregoing, the Office of the Special Rapporteur calls on the State to strengthen its mechanisms for dialogue and consensus, in order to reduce tensions and mitigate conflicts. While in the context of the pandemic mandatory inoculation mandates are part of public policy strategies to curb the pandemic, these must be executed and planned under a rights-based approach. In this sense, the REDESCA urges the State and makes itself available to implement the recommendations of the Commission and the REDESCA within the framework of Sacroi COVID19.
1475. In particular, the REDESCA reminds the State that with respect to any measure taken in the field of public health, they must comply with the requirements of proportionality, temporality and necessity, as provided for in Resolution 1/2020. For its part, IACHR Resolution 1/2021 states that States must demand and ensure that companies include inoculation in the labor area as a collective protection measure in the vaccination programs provided for in the business safety and health documents, as well as guarantee adequate information in this regard.²⁰⁷⁸

D. Fiscal and Economic Policies

1476. Regarding the fiscal and economic policies implemented in 2021, the REDESCA notes that, according to the budget presented by the executive to parliament for this year, it would focus on the execution of construction projects, on the equipment of the agriculture and fishing sectors, and on the expansion of the nautical subsector. In that sense, according to the State, the objective of this budget is not to aim at austerity measures, but to focus efforts on policies that allow a robust growth of the economy, but at the same time allow to guarantee state services to ensure the dignity of people.²⁰⁷⁹²⁰⁸⁰
1477. However, the REDESCA is aware that such predictions were drastically affected by the impact of the eruption of the La Soufriere volcano. According to the IMF analysis, the economic impact of the volcanic eruption was economic losses of around 30% of the country's GDP. Among the losses are several hectares of export crops, livestock and various infrastructures and buildings in the vicinity of the volcano, which exceed 150 million USD.²⁰⁸¹ In this line, the REDESCA welcomes the disbursement made by the World Bank to the government of approximately 40 million dollars

²⁰⁷⁷ US NEWS, St. Vincent Prime Minister Injured in Anti-Vaccine Protest, August 6, 2021

²⁰⁷⁸ IACHR, Resolution 1/2021: The Vauncas against COVID_19 in the Framework of Inter-American Human Rights Obligations, April 6, 2021, para. 30

²⁰⁷⁹ Government of Saint Vincent and the Grenadines, Speech by the Minister of Finance to Parliament on the 2021 budget, 1 February 2021

²⁰⁸⁰ Ibid

²⁰⁸¹ IMF CONTEXT AND THE IMPACT OF THE COVID-19 SHOCK: St. Vincent and The Grenadines, July 19, 2021

USD, for the reconstruction of the country, also considering the impacts it had been facing due to the pandemic.²⁰⁸²

1478. The REDESCA reiterates its solidarity with the population of Saint Vincent and the Grenadines for the impacts of the pandemic, and also for the eruption of the volcano. Both events have had unimaginable consequences for the development and sustainability of the country's economy. However, the REDESCA urges the State that all actions implemented to reactivate the economy are aimed at protecting people in the most vulnerable situations, as well as the communities that have been hit hardest by both crises.

²⁰⁸²World Bank [Saint Vincent and the Grenadines Receives US\\$40 Million from the World Bank to Support Volcano Eruption Recovery](#), November 30, 2021

32) SURINAME

1480. With regard to the guarantee of ESCER in the country, the Office of the Special Rapporteur has specially monitored the impact of the COVID-19 pandemic. In this context, the measures taken by the State in the area of health and the immunization process against COVID-19 are highlighted. In the same way, the advances and challenges regarding the right to education and fiscal and economic policies are observed. The REDESCA also notes the impacts of natural disasters and climate change in Suriname, coupled with business and human rights opportunities. Each of these strategic lines of the mandate is addressed in greater detail below.

A. Right to Health and its Social Determinants

1481. The REDESCA has monitored the situation of ESCER in the country and, in particular, the impacts that the COVID-19 pandemic has generated. With special regard to the enjoyment of the right to health in the context of the health emergency caused by Covid-19, the Office of the Special Rapporteur observes that the first case in the country occurred on March 13, 2020, and that, at the end of November 2021, there are approximately 50,531 infected people, 1,152 deaths and 29,556 people recovered.²⁰⁸³²⁰⁸⁴

1482. In this regard, it is noted that November would be in the midst of a growing trend of infections, because although the rate was relatively stable from the beginning of the pandemic until April 2021, it is observed that since May the number of cases began to increase substantially, specifying that from this date a peak of them would have begun. This situation in turn would be coupled with a significant growth in the mortality rate, which has had a significant and accelerated increase since May. As an example, as of May 21, 243 deaths were reported, while by November 21 there would be a cumulative of 1,141 deaths. Taking this situation into account, the REDESCA makes an emphatic call that, in line with Resolution 1/2020 of the IACHR, all measures that are appropriate to protect the rights to life, health and personal integrity of all persons under the jurisdiction of the State be reinforced immediately, urgently and with due diligence. through an intersectional and differentiated approach.²⁰⁸⁵²⁰⁸⁶²⁰⁸⁷

1483. Without detriment to the above, the measures that the State has taken to deal with the pandemic are highlighted, among which is the promotion of prevention and biosecurity measures, such as the use of masks and physical distancing. Likewise, night curfews have been established – with exceptions for essential services –, limits on capacity for social events, among others. These measures have been evaluated and made more flexible/strengthened according to an analysis of the epidemiological situation in the country.²⁰⁸⁸²⁰⁸⁹

²⁰⁸³ Suriname [Covid-19](#), November 23, 2021; International Monetary Fund, [Policy tracker](#), November 23, 2021

²⁰⁸⁴ Worldofmeter, [Coronavirus cases in Suriname](#), November 23, 2021

²⁰⁸⁵ EFE Agency, [Trinidad and Tobago, Suriname and Guyana hit hard by covid-19](#), June 2, 2021; Worldofmeter, [Coronavirus cases in Suriname](#), November 23, 2021

²⁰⁸⁶ Worldofmeter, [Coronavirus cases in Suriname](#), November 23, 2021

²⁰⁸⁷ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, para. 1

²⁰⁸⁸ International Monetary Fund, [Policy Tracker: Suriname](#), May 2021

²⁰⁸⁹ Garda World, [Suriname: Most COVID-19 measures to remain in force through at least Aug. 31 /update 36](#), August 11, 2021; International Monetary Fund, [Policy Tracker: Suriname](#), May 2021

1484. Particularly, in relation to the immunization process, it is highlighted that the Government appointed a "Technical Advisory Commission of the COVID-19 Immunization Policy" for the general management and monitoring of the COVID-19 situation in the country, hand in hand with a "Vaccination Committee" to develop a vaccination plan and guide its implementation. In the same vein, to finance the vaccination process, a national strategy was implemented using public and private sector funding, which included fundraising through a joint effort of the Government, the business community and other stakeholders.²⁰⁹⁰²⁰⁹¹
1485. It is noteworthy that, in addition to implementing a national vaccination plan, it was established that vaccines would be free and applied voluntarily. In the same way, priority groups were set, against which the inclusion of frontline health personnel, people over 60 years of age and those with some medical precondition is highlighted. These measures would be in line with IACHR Resolution 1/2021, which recommended that, in order to ensure the distribution of vaccines and their equitable and universal access, States had to develop a national vaccination plan that would guarantee economic accessibility and prioritize the inoculation of people at greatest risk of contagion and/or those who experienced a greater risk in the face of the pandemic. In line with the above, the REDESCA notes that Suriname was the second Caribbean country to receive doses of COVID-19 vaccines through COVAX, with the first delivery being on March 26, 2021. As a result of these efforts, as of November 21, 35.73% of the population would be fully immunized.²⁰⁹²²⁰⁹³²⁰⁹⁴
1486. Taking into account the economic challenges that the Government would experience to fully implement the national vaccination plan, the REDESCA welcomes the initiatives of the private sector to support it. Likewise, the Office of the Special Rapporteur takes this opportunity to recall that international cooperation is essential for the universal and equitable distribution of vaccines, especially for those States with less financial, institutional, and technological capacity, so it is a priority to coordinate effective regional actions based on a human rights approach and focused on international solidarity that guarantee the constant exchange of information in vaccination, as well as knowledge and technologies on vaccines and treatments against COVID-19.²⁰⁹⁵²⁰⁹⁶
1487. On the other hand, and although the REDESCA recognizes that the vaccination plan against COVID-19 paid special attention to indigenous peoples – by including them within the priority groups – the differential and disproportionate impact that the pandemic would be having on them is observed with concern, since despite only constituting 4% of the population, they would represent more than 15% of the death rate from COVID-19 in the country. This is coupled with the fact that they would traditionally be disproportionately affected by poverty and inequality, and that, in the context of the pandemic, their situation would have been worsened by the increase in

²⁰⁹⁰ Government of Suriname, [National Covid-19 deployment and vaccination plan](#), 2021

²⁰⁹¹ Ibid

²⁰⁹² IACHR, [Resolution 1/2021: COVID-19 VACCINES WITHIN THE FRAMEWORK OF INTER-AMERICAN HUMAN RIGHTS OBLIGATIONS](#), April 6, 2021

²⁰⁹³ PAHO, [Suriname receives its first COVID-19 vaccines through the COVAX Mechanism](#), 26 March 2021

²⁰⁹⁴ Macro data, [Suriname - COVID-19 - Vaccines administered](#), November 21, 2021

²⁰⁹⁵ SEOGS, [SEOGS 2021 DONATES 20,000 USD TO SURINAMESE VACCINATION FUND](#), 2021

²⁰⁹⁶ IACHR, [Resolution 1/2021: COVID-19 VACCINES WITHIN THE FRAMEWORK OF INTER-AMERICAN HUMAN RIGHTS OBLIGATIONS](#), 6 April 2021, para. 32.

unemployment, poverty and exclusion rates – hand in hand with a substantial increase in the price of food, personal hygiene items and transport. ²⁰⁹⁷²⁰⁹⁸²⁰⁹⁹²¹⁰⁰

1488. Against this background, the REDESCA reiterates that, in line with IACHR Resolution 1/2020, States must take extreme measures to protect the human rights of indigenous peoples in the context of the COVID-19 pandemic, taking into consideration that these groups have the right to receive culturally appropriate health care, that takes into account preventive care, curative practices and traditional medicines. In the same way, it is highlighted that, when issuing emergency and containment measures in the face of the pandemic, intersectional perspectives must be provided, paying special attention to the needs and differentiated impacts of the measures on historically excluded groups, such as indigenous peoples, people in situations of poverty and extreme poverty, among others.²¹⁰¹²¹⁰²

1489. Finally, and in broader terms on the health system in general, the REDESCA notes that the country would have an average of public expenditure on health per capita higher than the average of Latin America and the Caribbean, although below the average expenditure of OECD countries. Taking into account that a source of structural inequality in access to health services precisely results from the low level of public spending – associated with a consequent high out-of-pocket expenditure –, the REDESCA urges to continue investing in the public health system. ²¹⁰³

1490. Without prejudice to this, the mandate welcomes the various collaborative efforts through which, through international cooperation, the health system in the country continues to be strengthened. As an example, the aid received by Cuba through medicines and 50 health professionals is highlighted, as well as the provision of resources from PAHO, the Netherlands, Brazil and Canada. ²¹⁰⁴²¹⁰⁵

B. Climate Emergency and Human Right to Water

1491. Taking into account that there is a special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty, the REDESCA expresses its concern about the impacts that floods in the country have had on human ²¹⁰⁶rights. . Thus, as an

²⁰⁹⁷ Government of Suriname, [National Covid-19 deployment and vaccination plan](#), 2021

²⁰⁹⁸ UNDP, [Suriname's Indigenous community "continue to hope and believe" despite devastation from COVID-19](#), 14 September 2021

²⁰⁹⁹ UNDP, [Suriname's Indigenous community "continue to hope and believe" despite devastation from COVID-19](#), 14 September 2021

²¹⁰⁰ Ibid.

²¹⁰¹ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, para. 56

²¹⁰² IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020, III Groups in a situation of vulnerability.

²¹⁰³ ECLAC- PAHO, [Prolonging the health crisis and its impact on health, the economy and social development](#), October 14, 2021

²¹⁰⁴ International Monetary Fund, [Policy Tracker: Suriname](#), May 2021

²¹⁰⁵ Reliefweb, [Canada and PAHO donate more PPE items to the Ministry of Health in Suriname](#), June 10, 2021

²¹⁰⁶ IACHR and REDESCA, Press Release No. 276, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on states and the international community to address the situation of those affected](#), November 17, 2020.

example, it is noted that, in the month of April, due to the increase in rainfall levels there were floods at the national level. These rains would have continued in the month of May. Although flooding was at a lower level in June, some areas remained flooded.²¹⁰⁷²¹⁰⁸

1492. Faced with this scenario, the Government would have estimated an approximate number of 2,000 families affected, although the Red Cross has stated that there could be more, taking into account that not all affected households in the 10 districts would have been registered. Faced with this, it is observed that there would still be difficulties in terms of access to livelihoods of the people affected, as well as to recover what they would have lost in this context. For this reason, the REDESCA, in addition to expressing its solidarity with the victims, calls on the State to provide comprehensive and timely attention to these people.²¹⁰⁹

1493. In this scenario, and given the risks generated by climate change, the REDESCA notes that Suriname is one of the countries that has reached the goal of net zero emissions. Although this would be associated with a relatively underdeveloped economy and dense forest cover in the country, meeting this objective is a priority to address the climate emergency.²¹¹⁰

C. Business and Human Rights

1494. The REDESCA notes that the country has an important history in relation to extractive industries, against which oil and gold would account for 85% of exports and 27% of public revenues.²¹¹¹ In the current context, in which it is necessary to activate an economy with certain problems and promote investment, the findings of oil reserves on the coasts of Suriname are also relevant, against which beneficial conditions would be provided for their exploration and exploitation.²¹¹²

1495. Against this background, the REDESCA stresses the importance of ensuring that, within the framework of these activities, all necessary measures are taken to ensure that the human rights of communities are respected and guaranteed with due diligence. Likewise, as established in the report on Business and Human Rights: Inter-American Standards, it is a priority to ensure that the right to development is sustainable, for which the well-being and rights of individuals and communities must necessarily be put in the spotlight, rather than economic statistics.²¹¹³

D. Fiscal and Economic Policies

1496. With regard to fiscal and economic policies, the REDESCA notes that, according to ECLAC, the projection of the GDP growth rate 2021 is expected to be -1%. Likewise, a fiscal crisis and very high inflation levels are reported. In this context, the Office of the Special Rapporteur welcomes

²¹⁰⁷ Reliefweb, [Suriname: Floods - Apr 2021](#), 14 June 2021

²¹⁰⁸ Ibid.

²¹⁰⁹ Reliefweb, [Suriname: Floods - DREF n° MDRSR003 - Operation Update no. 1](#), 18 September 2021

²¹¹⁰ Rtve, [The knots of the negotiation at the climate summit: this is how the most polluting countries arrive in Glasgow](#), November 1, 2021

²¹¹¹ EITI, [Suriname](#), June 7, 2021

²¹¹² The New York Times, [Suriname, an oil find for a shrinking industry](#), 24 January 2021

²¹¹³ IACHR, Enterprises and Inter-American Human Rights Standards, OEA/Ser.L/V/II, Para. 323, November 1, 2020, para. 45.

the fact that 4.4% of GDP (1.4 trillion) has been allocated in the provisional budget related to COVID-19 for health services and support for households and businesses. The foregoing, taking into account that, in line with Resolution 1/2020, for the effective attention of the pandemic, States must dispose of and mobilize the maximum of available resources to make effective the right to health and other ESCERs, including by taking fiscal policy measures that allow an equitable redistribution and the design of concrete plans and commitments to substantially increase the public budget to guarantee the right to health. ²¹¹⁴²¹¹⁵²¹¹⁶²¹¹⁷

E. Education, science, technology: academic freedom and university autonomy

1497. Regarding the enjoyment of the right to education in the context of the pandemic, the REDESCA notes that the closure of schools affected children and adolescents (NNA), not only because of the challenges to the effective guarantee of the right to education, but also because of the effects on their mental health. This at a higher level for those who were in a situation of vulnerability.

1498. While it is true that to date the schools would be open – benefiting a total of 143,393 students – due to the epidemiological situation, closure would be required at some levels. In this context, it is necessary to specify that one of the main obstacles in the country to ensure the guarantee of the right to education is that not all children or teachers would have access to the internet, television, devices and electricity. Likewise, that some schools would have precarious sanitary facilities. ²¹¹⁸²¹¹⁹²¹²⁰²¹²¹

1499. In the particular case of indigenous children and adolescents, the REDESCA observes that the closure of schools had a disproportionate impact on them, given their low digital literacy, limited access to connection equipment and lack of internet and electricity. ²¹²²

1500. Against this background, the REDESCA reiterates that States must have mechanisms that allow children to continue with access to education and with stimuli that their age and level of development require, under an intercultural, intersectional and differentiated approach. In the same sense, measures must be implemented to reduce the educational gap that would have been increased by the COVID-19 pandemic. Finally, it is necessary to ensure that appropriate

²¹¹⁴ ECLAC- PAHO, Prolonging the health crisis and its impact on health, the economy and social development, October 14, 2021

²¹¹⁵ The New York Times, Suriname, an oil find for a shrinking industry, 24 January 2021

²¹¹⁶ International Monetary Fund, Policy Tracker: Suriname, May 2021

²¹¹⁷ IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, para. 13

²¹¹⁸ UNICEF LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, 18 October 2021

²¹¹⁹ Reuters Covid19 Tracker: Suriname, November 23, 2021

²¹²⁰ Inter-American Development Bank, Suriname- COVID-19, November 11, 2020

²¹²¹ Ibid.

²¹²² UNDP, Suriname's Indigenous community "continue to hope and believe" despite devastation from COVID-19, 14 September 2021

biosecurity conditions are ensured during the return to the classrooms, in order to safeguard the health and personal integrity of children and the educational body.

33) TRINIDAD AND TOBAGO

1501. With respect to the situation of ESCER in Trinidad and Tobago, the Office of the Special Rapporteur has specially monitored the impact that the pandemic has had on the guarantee of ESCER. In particular, it takes note of the impacts on the right to health and the State's response in this regard, as well as the differentiated effects that climate change and extractive activities would be generating in the country. In the same way, the REDESCA observes the measures in fiscal matters for the guarantee of ESCER and the effects that the pandemic has generated in the protection of the right to education. In addition, the mandate notes with concern the situation of ESCER of persons in a situation of human mobility in the country, particularly those from Venezuela. Each of these strategic lines of the mandate is addressed in greater detail below.

A. Right to Health and its Social Determinants

1502. The REDESCA has monitored the situation of ESCER in the country and, in particular, the impacts that the COVID-19 pandemic has generated. With special regard to the enjoyment of the right to health in the context of the health emergency caused by Covid-19, the Office of the Special Rapporteur observes that the first case in the country occurred on March 12, 2020²¹²³, and that, at the end of November 2021, an approximate of 69,680 infected people is registered, 2,090 deaths and 57,248 people recovered.²¹²⁴

1503. In this regard, it is noted that by November 2021 the country would be experiencing a significant number of cases that has increased steadily since August 2020, but in a substantial and accelerated way since April – May of this year. In fact, in May 2021, due to the worsening situation, the prime minister announced a state of emergency, whereby restrictions were imposed on mobility and conglomerates, with the exception of some measures for essential services.²¹²⁵²¹²⁶

1504. During the course of the year there have been two peaks: one from April to June 2021 – reporting 10,064 active cases as of June 5 – and another from October – with 10,342 cases as of November 27. The REDESCA observes this situation with special concern taking into account the accelerated rate of deaths from April-May 2021, compared to which, as an example, as of April 30, 2021, a total of 169 people were reported dead²¹²⁷ and at the end of November an approximate of 2,090 people were reported dead due to COVID-19. This scenario is of greater attention considering that this sharp increase in the mortality rate would be directly linked to the number of intensive care beds that are being filled by people with COVID-19.²¹²⁸²¹²⁹

²¹²³ Government of the Republic of Trinidad and Tobago. Ministry of Health, [Covid-19](#), November 27, 2021; International Monetary Fund, [Policy Tracker: Trinidad and Tobago](#), June 30, 2021

²¹²⁴ Government of the Republic of Trinidad and Tobago. Ministry of Health, [Covid-19](#), November 27, 2021; Worldometer, [Coronavirus cases in Trinidad and Tobago](#), November 28, 2021

²¹²⁵ Worldometer, [Coronavirus cases in Trinidad and Tobago](#), November 28, 2021

²¹²⁶ EFE Agency, [Trinidad and Tobago, Suriname and Guyana hit hard by covid-19](#), June 2, 2021;

²¹²⁷ EFE Agency, [Trinidad and Tobago, Suriname and Guyana hit hard by covid-19](#), June 2, 2021; Worldometer, [Coronavirus cases in Trinidad and Tobago](#), November 28, 2021

²¹²⁸ Worldometer, [Coronavirus cases in Trinidad and Tobago](#), November 28, 2021

²¹²⁹ Infobae, [COVID-19 deaths decrease by 17% in the Americas, says PAHO](#), November 17, 2021

1505. Taking into account this situation, the REDESCA urgently calls for, in line with Resolution 1/2020 of the IACHR, to strengthen immediately and with due diligence all measures that are appropriate to protect the rights to life, health, and personal integrity of all persons under the jurisdiction of the State, through an intersectional and differentiated rights approach.²¹³⁰
1506. Without prejudice to the need to strengthen these measures, the Office of the Special Rapporteur welcomes the measures that the State has taken to deal with the pandemic, among which is the constant promotion of prevention and biosecurity measures, travel restrictions – border closures -, closure of schools -partial and total depending on the state of the health emergency-, as well as limitations on social gatherings and conglomerations. These measures have been evaluated and made more flexible/strengthened according to an analysis of the epidemiological situation in the country.²¹³¹
1507. In this context, the State's efforts to move forward with the immunization process are also highlighted, since, at the end of November 2021, there would be 641,345 people fully vaccinated – in the case of vaccines with two doses, 578,778 people with the two required doses, while, for vaccines with a single dose, 42,567 people vaccinated-, which would be equivalent to more than 45.69% of its vaccinated population.²¹³²²¹³³In this framework, it is also highlighted that a third dose was approved for people with weakened immune systems and people aged 60 years or older who received two doses of Sinopharm.²¹³⁴
1508. Likewise, the REDESCA highlights that, for the 2022 budget, the health sector would have received the largest budget allocation to date since 2002, with 6,395 billion, compared to the 6,084 billion allocated in 2020 and the 5,695 billion in 2019. Es to specify that, during the last fiscal year, 18.1 million dollars of general income would have been destined to acquire the vaccines against COVID-19.²¹³⁵
1509. In broader terms in relation to the health system in general, the REDESCA also notes that the country would have an average of public expenditure on health per capita higher than the average of Latin America and the Caribbean, although below the average expenditure of OECD countries²¹³⁶. Taking into account that a source of structural inequality in access to health services precisely results from the low level of public spending – associated with a consequent high out-of-pocket expenditure –, the REDESCA urges to continue allocating resources for the strengthening of the health system.

²¹³⁰ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, para. 1

²¹³¹ International Monetary Fund, [Policy Tracker: Trinidad and Tobago](#), June 30, 2021

²¹³² Government of the Republic of Trinidad and Tobago. Ministry of Health, [Covid-19](#), November 27, 2021

²¹³³ Macro data, [Trinidad and Tobago- COVID-19 - Vaccines administered](#), November 25, 2021

²¹³⁴ Government of the Republic of Trinidad and Tobago. Ministry of Health, [Additional Primary Dose of a COVID-19 Vaccine](#), November 2021

²¹³⁵ Trinidad and Tobago Guardian, [Health gets its highest budget allocation yet](#), October 14, 2021

²¹³⁶ ECLAC- PAHO, [Prolonging the health crisis and its impact on health, the economy and social development](#), October 14, 2021

1510. Without prejudice to this, the recent allocations would be in line with the obligation to dispose of and mobilize the maximum of available resources to give effect to the right to health and other ESCERs, in order to prevent and mitigate the effects of the pandemic on human rights²¹³⁷.

1511. Finally, the Office of the Special Rapporteur takes note of and welcomes the measures that Trinidad and Tobago is taking in collaboration with PAHO/WHO to strengthen the health system's response to noncommunicable diseases. This is done by reorienting approaches to control and prevention, together with their integration into existing primary health-care services²¹³⁸. Such measures are of great importance when taking into account that these diseases would be the cause of 62% of annual deaths in the country²¹³⁹.

B. Climate Emergency and Human Right to Water

1512. Bearing in mind that there is a special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty, ²¹⁴⁰as well as the impact of extractive activities on the realization of human rights, and particularly the ESCER, the REDESCA reiterates the importance of ensuring that in the country there is a human rights approach to climate change and these activities, together with measures to guarantee the ESCER of the population with a differentiated and intercultural approach.

1513. These measures are even more pressing considering that, within the framework of the 181st Period of Sessions of the IACHR, the IACHR and the REDESCA received information on how extractive activities and climate change in the Caribbean have had serious impacts on the guarantee of human rights, and particularly of ESCER, with a differential and disproportionate effect on women, indigenous peoples and Afro-descendant communities²¹⁴¹.

1514. Particularly, in the case of Trinidad and Tobago, the Office of the Special Rapporteur on ESCER expresses its concern about the constant oil spills, which in addition to threatening communities – especially fishing communities – and their livelihoods, affect marine ecology. Thus, in the framework of the hearing, it was denounced how the west coast of Trinidad is bordered by chemical oil and gas industries, and how the Gulf of Paria would receive incalculable amounts of toxics, mainly heavy metals. The above, with serious repercussions on the surrounding communities, taking into account that it is one of the waters with the greatest biodiversity in the Caribbean, which supports more than 50 thousand families with 753 registered fishing vessels - which would represent 46% of the national vessels and would provide more than 70% of the seafood consumed locally-. Among the consequences of this situation are, in addition to a direct affront to the survival of communities, the massive death of fish, irreparable damage to the food

²¹³⁷ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, operative part, para. 13

²¹³⁸ PAHO [Trinidad and Tobago: Empowering communities to promote prevention and self-care in the field of noncommunicable diseases](#), 2021

²¹³⁹ Ibid

²¹⁴⁰ IACHR and REDESCA, Press Release No. 276, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on states and the international community to address the situation of those affected](#), November 17, 2020.

²¹⁴¹ IACHR, 181st Period of Sessions, [Audience No. 11 RE Impact of extractive industries on human rights and climate change in the Caribbean](#), 26 October 2021

basket, risks to public health, the destruction of livelihoods, poverty and damage to the environment and water²¹⁴².

1515. Although in the framework of the hearing the applicant organizations indicated that the National Contingency Plan for oil spills would have been created in 2013, it would have been carried out without consulting civil society. Similarly, although this plan would include provisions for the Institute of Marine Affairs to maintain a database to identify the responsible parties and to make a possible subsequent prosecution, after 8 years it is reported that this database would not have been started and would not have been impeded. or sanctions against the persons responsible for these acts. This despite the fact that spills would be constant, even reaching an average of two per week²¹⁴³. In fact, from the beginning of 2018 to August 2021, 498 oil spills would have been reported²¹⁴⁴.

1516. Against this background, the REDESCA, in addition to expressing its solidarity with the victims and calling on the State to provide comprehensive and timely attention to these people, highlights the urgency of taking urgent measures to guarantee human rights, and particularly, the ESCER of the population, including the right to life, to health, to food, water and a healthy environment. Faced with this, it is reiterated that actions aimed at protecting the right to a healthy environment not only imply a formal recognition of such a right, but must also be accompanied by compliance with and effective application of its content. As indicated by the IACHR and the REDESCA in the report on Business and Human Rights: Inter-American Standards, this is materialized not only in the fulfillment of state obligations to respect and guarantee human rights, but also in the protection of environmental defenders and the consequent actions required of companies in relation to the right to a healthy environment and the fight against climate ²¹⁴⁵change. . In this context, it is reiterated that strategies against climate change and environmental damage should not be isolated, but on the contrary effective cooperation actions are required to address this problem²¹⁴⁶.

C. Fiscal and Economic Policies

1517. With regard to fiscal and economic policies, the REDESCA notes that, according to ECLAC, the projection of the 2021 GDP growth rate is expected to be 2.5%. In this context, ²¹⁴⁷the Office of the Special Rapporteur welcomes the fact that, in the face of new restrictions due to the health emergency, the State announced social assistance measures to provide financial support in the

²¹⁴² IACHR, 181st Period of Sessions, Audience No. 11 RE Impact of extractive industries on human rights and climate change in the Caribbean, 26 October 2021

²¹⁴³ IACHR, 181st Period of Sessions, Audience No. 11 RE Impact of extractive industries on human rights and climate change in the Caribbean, 26 October 2021

²¹⁴⁴ The Guardian, It's outrageous': Trinidadian fishers film 'half-hearted' oil spill clean-up, August 13, 2021

²¹⁴⁵ REDESCA, Report Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II, para. 243

²¹⁴⁶ REDESCA, Report Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II, para. 244

²¹⁴⁷ ECLAC- PAHO, Prolonging the health crisis and its impact on health, the economy and social development, October 14, 2021

form of subsidies to people affected by them²¹⁴⁸. This is coupled with the increase in the health budget for 2022²¹⁴⁹, as previously addressed.

1518. In the same way, the Office of the Special Rapporteur highlights that the Fiscal Plan of March 2020 included support of up to 3 months for unemployed people or for those who had seen their income reduced; tax refunds; support for the liquidity of individuals and small businesses; help to vulnerable populations for food, rent and income, among other measures²¹⁵⁰.

1519. The foregoing, taking into account that, in line with Resolution 1/2020, for the effective attention of the pandemic, States must have and mobilize the maximum of the available resources to make effective the right to health and other ESCERs, including taking fiscal policy measures that allow an equitable redistribution and the design of concrete plans and commitments to substantially increase the public budget to guarantee the right to health.²¹⁵¹

D. Education, science, technology: academic freedom and university autonomy

1520. With regard to the enjoyment of the right to education in the context of the pandemic, the REDESCA notes that the closure of schools²¹⁵² has affected the right to education of children and adolescents (NNA), especially those who are in vulnerable situations. This is due to the lack of connectivity of some schools, the lag in the technical capacities of teachers compared to information technologies and the lack of technological means and resources of children in rural areas and / or in a situation of poverty, as addressed by the REDESCA previously²¹⁵³.

1521. To the detriment of this, it is recognized that the measures that have been implemented in the face-to-face of classes during 2021 – which have varied between total closures and partial closures at some levels²¹⁵⁴– have been marked by the risks represented by the current epidemiological situation. In this context, the Office of the Special Rapporteur on ESCER reiterates the importance of the State having mechanisms that allow children to continue with access to education and with stimuli that their age and level of development require, under an intercultural, intersectional and differentiated approach.²¹⁵⁵

E. Human mobility and ESCER

1522. The REDESCA expresses its concern about the impacts on the human rights of people in a condition of human mobility in the country, particularly people from Venezuela. This is not only due to the deaths and disappearances due to shipwrecks and forced returns of people in need of humanitarian aid and/or international protection in the country, but also because of the

²¹⁴⁸ International Monetary Fund, Policy Tracker: Trinidad and Tobago, June 30, 2021

²¹⁴⁹ Trinidad and Tobago Guardian, Health gets its highest budget allocation yet, October 14, 2021

²¹⁵⁰ International Monetary Fund, Policy Tracker: Trinidad and Tobago, June 30, 2021

²¹⁵¹ IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, para. 13

²¹⁵² UNICEF LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, 18 October 2021

²¹⁵³ REDESCA, Annual Report 2020. OAS/SER. L/V/IL, March 30, 2021, para. 1060-1061.

²¹⁵⁴ UNICEF LACRO COVID-19 EDUCATIONAL RESPONSE: UPDATE 29 STATUS OF REOPENING OF SCHOOLS, October 18, 2021; Reuters Covid19 Tracker: Trinidad and Tobago, November 29, 2021

²¹⁵⁵ IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, 10 April 2020, para. 64

challenges they experience in guaranteeing their ESCERs. This is mainly due to the lack of legal avenues and obstacles to the regularization of their immigration status, particularly for asylum seekers.²¹⁵⁶²¹⁵⁷

1523. In this context, the REDESCA notes that through the health emergency caused by COVID-19 and the measures to prevent contagion, the situation of these people would have become precarious, since with the closure of the borders – coupled with the criminalization for entering the country irregularly – people would increasingly need to go to clandestine routes, which would not only make them increasingly vulnerable or exposed to the activities of criminal groups and human trafficking, but would also distance them from the possibility of accessing health services, thereby not only increasing their level of risk but also that of the entire population. ²¹⁵⁸

1524. In the same sense, the REDESCA observes that, as an example, in the framework of the repatriations that took place in the month of July 2021 – on July 13 with 124 people²¹⁵⁹ and on July 17 with 700 more people ²¹⁶⁰– it was indicated that among the main reasons for returning to the country would be their situation of economic vulnerability, since they were unemployed, with shortages to assume the costs of renting their home and / or with health problems²¹⁶¹. It was even claimed that some of these families were evicted from their homes for not meeting the rents, while others would have contacted social organizations to request food, since they did not have the means to meet this need²¹⁶².

1525. In this regard, the Office of the Special Rapporteur on ESCER emphasizes that, in accordance with IACHR Resolution 1/2020, when issuing emergency and containment measures in the face of the COVID-19 pandemic, States must apply intersectional perspectives and pay special attention to the needs and differentiated impact of such measures on the human rights of historically excluded groups. including people in a situation of human mobility. Likewise, for their protection, it is emphasized that States must avoid the use of immigration detention strategies and other measures that increase the risks of contagion and spread of COVID-19 and the vulnerability of people in a situation of human mobility, such as deportations, collective expulsions or any other form of return that is executed without the due coordination and verification of the corresponding sanitary conditions. Finally, it is a priority that, given the socioeconomic impacts of the pandemic, the State expressly include populations in a situation of human mobility in the policies and actions of economic recovery that are necessary at all times of the crisis generated by the pandemic. In the

²¹⁵⁶ Amnesty International, [The world cannot fail those fleeing the crisis in Venezuela](#), November 10, 2021

²¹⁵⁷ Amnesty International, [Trinidad and Tobago, 2020](#); Amnesty International, [TRINIDAD AND TOBAGO: PROTECT PEOPLE FLEEING](#), August 2021

²¹⁵⁸ Amnesty International, [Trinidad and Tobago: Deportation of 165 Venezuelans violates international law](#), August 6, 2020; Amnesty International, [TRINIDAD AND TOBAGO: PROTECT PEOPLE FLEEING](#), August 2021

²¹⁵⁹ Swissinfo, [A first group of 124 Venezuelans repatriated from Trinidad and Tobago](#), July 13, 2021

²¹⁶⁰ Newsday, [700 Venezuelans to return home by ferry on Saturday](#), 16 July 2021

²¹⁶¹ Swissinfo, [A first group of 124 Venezuelans repatriated from Trinidad and Tobago](#), July 13, 2021

²¹⁶² Swissinfo, [A first group of 124 Venezuelans repatriated from Trinidad and Tobago](#), July 13, 2021

particular context, it is essential that access to these aids and/or programs does not constitute a vector for the identification of their immigration status and criminalization. ²¹⁶³²¹⁶⁴²¹⁶⁵

1526. Without prejudice to the above and the urgency of adopting measures to guarantee the human rights of people in a condition of human mobility in the country, the REDESCA notes that in 2019 the State promoted a registration process that allowed 16,500 people from Venezuela to access provisional visas and work legally in the country. Although in March 2021, the government approved a process to renew these permits, other similar opportunities would not have opened up for those in the country without documentation. Against this background, the mandate emphasizes that the regularization of these people and a human rights approach to address their situation is crucial, because only through these actions will it be possible to guarantee their human rights, and particularly, their ESCER. ²¹⁶⁶²¹⁶⁷²¹⁶⁸

²¹⁶³ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

²¹⁶⁴ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, para. 58

²¹⁶⁵ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), 10 April 2020, para. 61

²¹⁶⁶ Swissinfo, [A first group of 124 Venezuelans repatriated from Trinidad and Tobago](#), July 13, 2021; Amnesty International, [TRINIDAD AND TOBAGO: PROTECT PEOPLE FLEEING](#), August 2021

²¹⁶⁷ Loopnews, [Gov't approves Venezuelan re-registration process](#), 2 March 2021

²¹⁶⁸ Amnesty International, [TRINIDAD AND TOBAGO: PROTECT PEOPLE FLEEING](#), August 2021

34) URUGUAY

1527. Regarding the situation of ESCER in Uruguay, the Office of the Special Rapporteur has monitored in particular the enjoyment of the right to health, especially with regard to the impact that the pandemic had on it, analyzing the State's responses to this context, for example, taking into account the immunization process, such as the economic and fiscal policies adopted. The mandate has also followed the situation that the country faces with regard to the environment, as well as the challenges regarding the enjoyment of the right to education and the labor and trade union rights of the population. On the other hand, the REDESCA monitored the situation of human mobility in the country. Next, each of these strategic lines of the REDESCA will be addressed in detail.

A. Right to Health and its Social Determinants

1528. In relation to the enjoyment of Economic, Social, Cultural and Environmental Rights, the REDESCA has followed the situation in Uruguay through its monitoring activities, including the impact that the COVID-19 pandemic has caused on them. Specifically, regarding the right to health and how its enjoyment has been impacted by the pandemic, the Office of the Special Rapporteur notes that, as of November 15, 396,545 cases of infections have been reported, bringing the number of people who died to 6,101²¹⁶⁹.

1529. Regarding the number of deaths and infections from COVID-19, the REDESCA notes that, despite the fact that in 2020 Uruguay was one of the countries with the lowest rate of infections in the region, in the months of March and April 2021 it became the Latin American country with the highest number of new cases of COVID-19 per million inhabitants (836.94), reaching 33.51 cases on average per 100 thousand people in a week and a record of 79 deaths in a day. Faced with this alarming situation, the Office of the Special Rapporteur on ESCER learned that health professionals experienced extreme moments, in which they alleged saturation of intensive care units, as well as physical and mental exhaustion due to the persistent increase in infections and the lack of human resources to deal with the pandemic. In this regard, the REDESCA notes that more than a quarter of health workers are frequently tired or under energy; and more than half have trouble falling asleep or have the need to sleep excessively,²¹⁷⁰²¹⁷¹²¹⁷²²¹⁷³²¹⁷⁴ according to the first data survey carried out by the Faculties of Psychology, Medicine and Nursing of the University of the Republic²¹⁷⁵.

1530. In this context and with regard to the progress of this situation, the REDESCA observes that from the beginning to mid-May there was a decrease in the average number of cases of infections

²¹⁶⁹ Reuters [Covid Tracker](#), November 15, 2021

²¹⁷⁰ The Daily, [Uruguay is the country with the most new cases of coronavirus per day in the world](#), 05 April 2021

²¹⁷¹ BBC News, [How Uruguay went from being an exception in the coronavirus pandemic to the country with the highest rate of new cases in Latin America](#), 16 March 2021

²¹⁷² Telam, [Daily record of deaths in Uruguay since the beginning of the pandemic](#), April 16, 2021

²¹⁷³ Underlining [Intensivists say the health system is on edge: "doctors have to choose who they intern"](#), 13 April 2021

²¹⁷⁴ One Hundred and Eighty, [Uruguay is experiencing the "most serious" situation in the history of intensive care medicine in the country](#), 29 March 2021

²¹⁷⁵ The Country, [After the wave of COVID-19, the sequelae on the mental health of health personnel arise](#), 01 August 2021

and deaths. However, in late May and until mid-June, the second wave was recorded. After the decline of this second wave, the REDESCA takes note of the improvement in this situation, which as of November has been maintained at an average of 184 infections per day.²¹⁷⁶²¹⁷⁷

1531. Regarding the measures taken by the Uruguayan State to counteract the effects of the pandemic, the REDESCA notes that the vaccination process began on March 1, 2021, relatively late compared to other countries in the region. The vaccination schedule adopted by the country was somewhat unique in that it did not begin with the older population, as other countries did - which included them as a priority group because they were a risk group - but, on the contrary, began with the inoculation of teachers, military, police, firefighters and INAU personnel under 60 years of age. Since then, the Office of the Special Rapporteur has contemplated a sustained increase in ²¹⁷⁸²¹⁷⁹dose arrivals in the country, becoming one of the countries with the fastest INOCULATION PROGRAMS AGAINST COVID-19 in the entire region. ²¹⁸⁰

1532. The REDESCA highlights that, by October 2021, 70% of the population already has two doses applied and that since August the national government ordered that those people who had received the two doses of the Coronavac vaccine (from the Chinese laboratory SinoVac) will receive a third booster dose of the Pfizer vaccine. In the case of immunocompromised people initially immunized with the complete schedule (two doses) of CoronaVac, they will receive a third and fourth doses, according to the Ministry of Public Health. In this way, Uruguay became one of the first countries in the world to approve the administration of a third and fourth doses of the COVID-19 vaccine for the general population and to carry out the crossing of vaccines. Likewise, the REDESCA takes note of the approval of a third dose of the US Pfizer vaccine to health personnel, as announced by the Ministry of Public Health, when communicating that in conjunction with the National Advisory Commission on Vaccines, that third dose against COVID-19 was agreed²¹⁸¹²¹⁸²²¹⁸³²¹⁸⁴²¹⁸⁵. REDESCA recognizes the importance of the vaccination rate against COVID-19 that Uruguay achieved for October, ranking second in Latin America among the countries with the highest percentage of the population vaccinated with two doses²¹⁸⁶.

1533. With regard to universal and equitable access to COVID-19 vaccines within the country, the REDESCA notes the initiation of the vaccination process for vulnerable groups. On the one hand,

²¹⁷⁶ Google news, [coronavirus](#), November 15, 2021

²¹⁷⁷ Reuters [Covid Tracker](#), November 15, 2021

²¹⁷⁸ AP News, [Uruguay begins vaccination with Sinovac](#), 01 March 2021

²¹⁷⁹ The Country, [This will be the logistics before the arrival of Sinovac vaccines](#), 23 February 2021

²¹⁸⁰ Ibid

²¹⁸¹ Infobae, [70% of uruguay's population has already received the two doses of the coronavirus vaccine](#), August 24, 2021

²¹⁸² Faces and Masks, [Covid-19: this Monday the vaccination begins with the third dose](#), August 16, 2021

²¹⁸³ The Country, [MSP stresses that only immunocompromised will receive four doses of anti-covid](#), August 11, 2021

²¹⁸⁴ The Country, [Uruguay will measure the effectiveness of crossing vaccines against the new coronavirus](#), 06 August 2021

²¹⁸⁵ Page 7, [Uruguay approves third dose for health personnel](#), October 1, 2021

²¹⁸⁶ Montevideo Portal, [Uruguay and Chile are the countries in the region with the highest percentage of vaccinated population](#), 4 October 2021

the national government articulated a vaccination program for migrants and asylum seekers who do not have documentation in the country and have been in the territory for more than 90 days. The REDESCA welcomes this initiative, as it is in line with resolution 1/2020 on Pandemic and Human Rights in the Americas, with respect to the fact that it becomes essential to adopt policies to effectively prevent contagion, as well as social security measures and access to public health systems that facilitate timely and affordable diagnosis and treatment; in order to provide vulnerable populations with comprehensive physical and mental health care, without discrimination²¹⁸⁷²¹⁸⁸. Without prejudice to this, it is urged to extend vaccination to all people, regardless of the length of stay in the country, noting that health is a public good that must be protected by all States and that the human right to health is a right of an inclusive nature, which corresponds to the enjoyment of other rights, that understands its basic and social determinants as the set of factors that condition its effective exercise and enjoyment.²¹⁸⁹

1534. With regard to other aspects related to the enjoyment of the right to health, and particularly on the duty of States to guarantee the sexual and reproductive rights of women, girls and adolescents, even in times of pandemic, the REDESCA is concerned about the allegations that they have not received medical care in the appropriate conditions due to termination of pregnancy. In this sense, it has been learned that in 2020 there were more than 150 complaints from women with intentions to terminate their pregnancy and that, as a result of the health crisis situation unleashed by the pandemic, they were not attended by the health system as it was due, either due to poor information provided by the services or lack of timely attention. In this regard, the Office of the Special Rapporteur on ESCER recalls that the voluntary interruption of pregnancy is regulated by national law No. 18,987 since 2012, so it urges the State to comply with this law and to guarantee that women have all the necessary information to make a conscious and responsible decision, in which they are assisted quickly and safely.²¹⁹⁰

1535. Likewise, the REDESCA recalls that, according to Resolution 1/2020 on Pandemic and Human Rights, States have the obligation to guarantee the availability and continuity of sexual and reproductive health services during the pandemic crisis, increasing, in particular, the measures of comprehensive sexuality education and dissemination of information by accessible means and with adequate language, in order to reach women in their diversity²¹⁹¹.

1536. The REDESCA was also aware of the increase in mental health conditions of people in Uruguay during 2020 and 2021. The Socioeconomic and Behavioral Observatory revealed in a report that 6 out of 10 people suffer some consequence in their mental health. In this sense, the report indicated that 30% of the Uruguayan population suffers from high psychological distress, another 30% say they suffer moderate discomfort and 40% say they suffer the effects of the health situation. Likewise, in 2020 there were 718 cases of suicides, a figure that, although it has remained stable compared to other years, is one of the highest worldwide.²¹⁹² In the same vein, it

²¹⁸⁷ Telam, [Uruguay enabled anti-covid vaccination for undocumented migrants and asylum seekers](#), June 22, 2021

²¹⁸⁸ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

²¹⁸⁹ Ibid

²¹⁹⁰ The Country, [They denounce that 150 women were not well treated for abortion](#), 09 March 2021

²¹⁹¹ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

²¹⁹² El País, [The number of ten Uruguayans suffer psychological distress due to the pandemic](#), 09 July 2021

is noted with concern that the number of young people deciding to take their own lives has increased²¹⁹³.

1537. The REDESCA recalls that mental health is part of the integral health of every person and the State, through public and social policies that it implements, has the duty to guarantee its protection. In particular, physical and mental health assistance services should be provided without discrimination in the face of the effects of pandemic contexts and their consequences. Likewise, the Office of the Special Rapporteur recalls that ²¹⁹⁴²¹⁹⁵the guarantee of universal access to mental health is a determinant for societies to function properly and people to be able to develop fully in their life projects, since psychological and emotional well-being facilitates that people use their skills and contribute effectively to their personal well-being, their environments and communities²¹⁹⁶.

1538. With regard to the ESCER rights of persons deprived of liberty, this Office of the Special Rapporteur takes note of the situation experienced by the inmates in Unit No. 6 Punta de Rieles, who had to go on a hunger strike as a result of the restriction of clothes and food authorized to enter, unusual searches in the early morning and closure of practically all productive enterprises. With regard to the rate of infections of persons deprived of liberty, the REDESCA was aware of a high number (750 infections and more than 1,100 isolated) that occurred in different prisons in the country. Faced with this situation, the Office of the Special Rapporteur welcomes the measure taken by the national government to include, among the priority groups to vaccinate, persons deprived of liberty, where more than 65% would have been inoculated in a few days²¹⁹⁷²¹⁹⁸²¹⁹⁹²²⁰⁰.

1539. The REDESCA is concerned about how the pandemic has impacted poverty levels in Uruguay, mainly in the most vulnerable sectors of Municipality A of Montevideo to which the neighborhoods of La Teja, Cerro, Paso de la Arena, Nuevo París, Santiago Vázquez and the entire rural area from Pajas Blancas to Punta de Espinillo belong. The Organization of Health Users of the West (of Montevideo), which in turn coordinates with the Network of Popular Pots, has detected the presence of children with symptoms such as dizziness, product of the lack of nutrition. The Office of the Rapporteur is mindful of the efforts made by the more than 300 soup kitchens or "popular pots" that provide food to more than 20,000 people in situations of extreme vulnerability per day

²¹⁹³ Weekly Search, [Health authorities worry about increased suicides "at younger and younger ages"](#), 21 July 2021

²¹⁹⁴ WHO [Mental Health: Strengthening Our Response](#), 30 March 2018

²¹⁹⁵ IACHR, [The States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access](#), October 2, 2020

²¹⁹⁶ Ibid

²¹⁹⁷ The Daily, [People deprived of liberty carry out hunger strike in Punta de Rieles](#), July 19, 2021

²¹⁹⁸ The Country, [Coronavirus in prisons: there are 740 inmates infected and more than 1,100 in quarantine](#), 19 March 2021

²¹⁹⁹ News 24, [This Wednesday began vaccination against Covid-19 in Uruguayan prisons](#), 17 March 2021

²²⁰⁰ The Daily, [Vaccination in prisons: so far, 65% of persons deprived of their liberty have been inoculated](#), 27 March 2021

in the city of Montevideo²²⁰¹²²⁰²²²⁰³. Without detriment to this, the REDESCA urges the State to take measures to address this situation of poverty, recalling the duty to consider effective and sustainable strategies that address the differentiated effects that the pandemic and its consequences have on the most disadvantaged and excluded sectors.²²⁰⁴

1540. The Office of the Special Rapporteur has also learned of the difficulties in these areas in terms of access to medicines and care for other chronic ailments or diseases, both physical and mental. In this sense, many people have not been able to access specific treatments to treat diseases such as cancer or pathologies²²⁰⁵.

1541. The REDESCA observes with concern the impact of the pandemic on the labor market and the economic situation, and consequently, the mental health situation. In this regard, it is estimated that 6 out of 10 Uruguayan people say that unemployment and poverty are their biggest concerns, according to a study by a consultancy. For its part, currently, a rate of 10.4% of unemployed people is estimated, which represents 184 thousand people -of an economically active population of about 700 thousand-, according to the National Institute of Statistics (INE). On the other hand, research from the University of the Republic showed that 100,000 more people fell into poverty in the last year, while the number of popular pots to alleviate economic hardships increased with which to ensure a daily meal. Of an unemployment rate of 9.4% in June, already in July it represented 10.4%, being the highest figure of this indicator since February. When analyzing the impact differentiated by gender²²⁰⁶²²⁰⁷, women have a higher unemployment rate, compared to men, corresponding to 12.1 compared to 8.9, while regionally in Montevideo, the indicator stood at 11.3 percent, above the country's total, according to the INE report²²⁰⁸.

B. Climate Emergency and Human Right to Water

1542. With regard to the effective enjoyment of the right to a healthy environment, the REDESCA notes that since the United Nations Intergovernmental Panel on Climate Change (IPCC) published its latest report, numerous international organizations have increased alerts on the consequences of climate change and the need for countries to act quickly and effectively. In this sense, representatives of environmental organizations and researchers from academia were consulted to know their position on what are – or should be – the environmental priorities in Uruguay. Pollution of water resources, soil erosion and production patterns were identified as the main

²²⁰¹ Faces and Masks, [Hungry children and lack of health coverage in western Montevideo](#), 08 April 2021

²²⁰² Ibid

²²⁰³ CNN [Popular pots in Uruguay work without pause to satisfy hunger in the face of the economic crisis a year after the pandemic](#), 09 April 2021

²²⁰⁴ IACHR, IACHR and its REDESCA Urge States to Effectively Protect People Living in Poverty and Extreme Poverty in the Americas in the Face of the COVID-19 Pandemic, June 2, 2021

²²⁰⁵ Faces and Masks, [Hungry children and lack of health coverage in western Montevideo](#), 08 April 2021

²²⁰⁶ Latin Press, [Unemployment and poverty are the biggest concerns in Uruguay](#), 22 September 2021

²²⁰⁷ Ibid

²²⁰⁸ Workers [Uruguay's unemployment rate grew](#), 18 September 2021

environmental problems. But they are not the only ones, since the loss of biodiversity, the use of chemical substances and constructions in the coastal zone are other major concerns.²²⁰⁹²²¹⁰

1543. In this regard, the REDESCA notes that for decades the Uruguayan State has been actively working to achieve an increasingly sustainable agricultural production. Likewise, the country is in a process of measuring the environmental footprint of livestock production systems and, within the framework of this COP26, has adhered to the declaration on forests and soils and the global methane commitment. The REDESCA notes that, within the framework of the conference²²¹¹, the signing by States representing 85% of the global forest - including Uruguay - of a declaration was held where they commit to stop and reverse the felling of trees this decade, in exchange for financing for 19,200 million dollars (16,500 million euros) in public and private funds²²¹².

1544. The REDESCA takes the opportunity to recall the statement issued jointly with the United Nations Special Rapporteur on human rights and the environment, which states that the situation of the environment and human rights in the Americas was already a cause for concern before COVID-19, and in the context of the pandemic, instead of seeing governments improve environmental safeguards, several regressions have been observed, with consequences for the enjoyment of the right to a healthy environment in the region. Given this, the call to States to strengthen their environmental laws, policies, programs and regulations is reiterated. It also notes the obligation to prevent further damage and to establish strong institutional frameworks, in compliance with the obligations contained in regional and universal human rights instruments, in particular those contained in the Protocol of San Salvador and the Escazú Agreement²²¹³.

C. Business and Human Rights

1545. The REDESCA expresses its concern about the complaints and claims of environmental organizations in relation to the activities carried out by the Finnish pulp company UPM. The Office of the Special Rapporteur notes that activists have expressed concern about the impacts of the installation of a second pulp mill not only on the environment, but on the human rights of the Uruguayan population, while the UPM project could adversely impact the environment and water²²¹⁴. On this point, the Office of the Special Rapporteur notes that environmental organizations have denounced that "UPM's new investment in Uruguay will affect the quality of and access to water, soil conditions, biodiversity and ecosystems, work, housing, and transportation in ways that threaten to violate human rights to an adequate standard of living. to food, water and housing, and human rights to health, a clean and safe environment, culture, work and education."²²¹⁵ For its part, the United Nations Committee on Economic, Social and Cultural

²²⁰⁹ The Daily, [Environmental challenges in Uruguay: water quality, soil erosion and productive practices](#), 29 September 2021

²²¹⁰ Ibid

²²¹¹ Telemundo, [Adrián Peña at COP26 on climate change: "Uruguay is not part of the problem, it is part of the solution"](#), November 9, 2021

²²¹² The country, [Uruguay signed pact at COP26 climate summit to stop deforestation by 2030](#), November 2, 2021

²²¹³ OHCHR, [Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020

²²¹⁴ R2820, [Numerous organizations join UPM's complaint to the UN](#), 15 February 2021

²²¹⁵ Ibid

Rights, after receiving the complaint from environmental organizations, expressed concern about the lack of a complete evaluation of the impacts of the UPM project in Uruguay²²¹⁶.

1546. Faced with this situation, the REDESCA recalls the close relationship between human rights, sustainable development and the environment, whose interaction covers innumerable facets and scopes. Therefore, in accordance with inter-American standards on Business and Human Rights, States, when exercising their regulatory, supervisory, and judicial functions, and companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to its close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations²²¹⁷. In this regard, REDESCA calls on Uruguay to take special account of such standards in relation to the aforementioned situation, ensuring effective citizen participation and the conduct of environmental impact studies in accordance with the best international parameters in its decision-making processes.

D. Labor and Trade Union Rights

1547. The REDESCA notes with concern the demands of the Organization of Retirees and Pensioners of Uruguay on the updating of pensions and minimum pensions, guaranteeing access to housing, health and a dignified old age for the elderly²²¹⁸.

1548. On the other hand, the Office of the Special Rapporteur observes that in August the Telework Law was approved in the Senate with the aim of creating a regulatory framework for the activity and whose articles enshrine five guiding principles: Voluntariness; Reversibility; Equality; Non-discrimination and Promotion of employment²²¹⁹.

1549. On the other hand, the REDESCA expresses its concern about the employment situation that young people face in Uruguay, which is reflected, among others, in a report prepared by the Cuesta Duarte Institute in conjunction with the International Labor Organization (²²²⁰ILO). According to this report, since the pandemic began, more than 44,000 jobs have been lost in the country, with the greatest loss being found in workers who are not registered in social security. In this sense, the report points out that the largest difference appears in young people under 25 years of age, where the unemployment rate stands at 35.5%, in addition to the fact that, of that percentage, 69% receive a salary of less than 600 US dollars²²²¹. Faced with these points, the REDESCA emphasizes that in accordance with its resolution 1/2020, States must adopt measures to give adequate

²²¹⁶ Montevideo Portal, [UN Committee "Concerned" about Lack of UpM Impact Studies in Uruguay](#), 09 March 2021

²²¹⁷ OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19 - November 1, 2019, [Report on Business and Human Rights: Inter-American Standards](#), 2019

²²¹⁸ Faces and Masks, [Retirees and pensioners mobilize this Thursday in front of the Executive Tower](#), July 15, 2021

²²¹⁹ The Daily, [The telework law was voted: what changes does it imply for workers and employers?](#), August 10, 2021

²²²⁰ Infobae, [Young people were the most affected by the pandemic in Uruguay: 69% earn less than 600 dollars per month](#), October 19, 2021

²²²¹ Ibid

protection to jobs, wages, freedom of association and collective bargaining, pensions and other social rights interrelated with the labor and union environment.²²²²

E. Fiscal and Economic Policies

1550. In the context of the pandemic, the REDESCA welcomes the measures adopted by the Uruguayan government, which announced the extension of some of the measures to mitigate the effects of the coronavirus, such as the extension of credit guarantees and unemployment insurance,²²²³ tax relief for small businesses;²²²⁴ increased assistance to the most vulnerable, such as doubling the amount of family allowances during March and April and increasing funds for the food basket programme²²²⁵. Likewise, "additional investment" measures of 400 million pesos were issued to support pots, canteens and picnic areas, as well as to serve people in street situations²²²⁶.

1551. On the other hand, in April 2021, the government announced new social, labor and productive support measures for \$ 900 million (1.6 percent of GDP) through the "Coronavirus Fund" to the sectors most affected by the COVID-19 pandemic, such as tourism, accommodation, gastronomy, transport, theater, sports and informal workers. It also complemented the existing measures with a 6-month suspension of social security contributions for SMEs in the sectors most affected by the pandemic, such as the exemption of 100% of employer retirement contributions during the first half of the year, access to credits with facilities or loans of up to 25,000 pesos (about 550 dollars) at zero rate²²²⁷²²²⁸²²²⁹.

1552. Faced with this point, the REDESCA notes that these measures adopted would be in line with the provisions of Resolution 1/2020 on Pandemic and Human Rights in the Americas. Without detriment to this, the REDESCA urges the Uruguayan State to strengthen these policies and continue to integrate mitigation and attention measures focused specifically on the protection and guarantee of ESCER, given the serious direct and indirect impacts that the contexts of pandemic and infectious health crises can generate for people. In this regard, it is recalled that the economic, political or any other measures that are adopted should not accentuate the existing inequalities in society²²³⁰.

²²²² IACHR – REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

²²²³ a Daily, [Special extension of unemployment insurance for more than one year was provided to 2,390 workers in 243 companies](#), July 10, 2021

²²²⁴ The Country, [New Tax Benefits for Small Businesses: How to Access](#), March 24, 2021

²²²⁵ Tele Sur, [Uruguayan Executive Recognizes Increase in Poverty in Its Nation](#), 03 March 2021

²²²⁶ Ibid

²²²⁷ The Country, [Measures against COVID-19: government announces spending of US\\$ 900 million](#), 21 April 2021

²²²⁸ The Daily, **Error! Hyperlink reference not valid.**, 11 March 2021

²²²⁹ Infobae, [The Uruguayan Government announced exemptions for small businesses and subsidies due to the COVID-19 pandemic](#), 21 April 2021

²²³⁰ IACHR, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020

F. Education, science, technology: academic freedom and university autonomy

1553. As a result of the sustained increase in infections that the country went through since March, the national government decided to suspend face-to-face classes indefinitely²²³¹. In June, the staggered or progressive return to classrooms throughout the country was announced in different stages, starting at the primary level, both public and private establishments, then the secondary level and, finally, the university ²²³²level. In this context, a survey conducted by the National Administration of Public Education (ANEP) revealed that only 40% of students in the country managed to have continuity and participate in virtual classes²²³³.

1554. The REDESCA takes note of the demonstrations of hundreds of secondary school students who have taken to the streets protesting against the educational reform promoted by the Government, demanding that the rights of the education sector be guaranteed and stressing that quality and accessible education is fundamental for the country²²³⁴. In front of the Central Directing Council (Codicen), the demonstrators have expressed their "concern and deeper rejection" of the initiative of the president of the organization consisting of modifying the diversification of the baccalaureate options until now existing, implementing a common baccalaureate, with the possibility of choosing options in sixth year. Likewise, the Office of the Special Rapporteur of ESCER has learned that a larger budget has been demanded in the area of education and large budget cuts have been reported since 1985. In turn, the groups that have called for the march have demanded a decent budget. ²²³⁵According to local media, the budget for education in the country was reduced by one percentage point of GDP in 2021, the biggest cut since the so-called democratic recovery²²³⁶.

1555. The REDESCA welcomes the fact that the University of the Republic approved the creation of the Faculty of Arts. In a "historic" session of the Central Directing Council, as described by the Rector, the councilors voted unanimously on the installation, which is the realization of a project whose founding document dates back to April 2000. The resolution will enter into force when the new Council of Fine Arts is formed, after the results of the university elections²²³⁷. This measure is noteworthy, as it allows greater access to the right to education through the provision of various tools and a greater enjoyment of cultural rights, by expanding the artistic development of the country.

G. Human Mobility and ESCER

1556. With regard to human mobility in Uruguay, the REDESCA welcomed the decision of the Ministry of Health of Uruguay to enable an online procedure, so that migrants and asylum seekers can access the vaccine against COVID-19. ²²³⁸ The REDESCA welcomes the measure taken by the

²²³¹ AM 750. [Uruguay: Government indefinitely postponed return to face-to-face classes](#), 07 April 2021

²²³² Montevideo Portal, [Government announced return to face-to-face classes of primary education in June](#), 02 June 2021

²²³³ The Observer, [Education in pandemic: only 40% of students managed to follow the courses and participate continuously in virtual classes](#), 02 July 2021

²²³⁴ Alert [Hundreds of students take to the streets in Uruguay to protest against the government's educational reform](#), October 1, 2021

²²³⁵ Ibid

²²³⁶ Telesur.tv, [Students in Uruguay mobilize against educational reform](#), 29 September 2021

²²³⁷ Education [After a process of 21 years, they created the Faculty of Arts](#), 15 September 2021

²²³⁸ IACHR, [Pronouncement by social networks](#), June 23, 2021

State of Uruguay, since it implements the principle of non-discrimination in its public health decisions, in accordance with the Commission's resolutions on the matter. In particular, to those provided for in Resolution 1/2020 and with regard to vaccines against COVID-19, in Resolution 1/2021.

1557. On the other hand, the Office of the Special Rapporteur takes note of the visibility project carried out by UNESCO in conjunction with the Latin American and Caribbean Coalition, which aimed to produce a documentary series "that no one is left behind", which reflects the idea of cities against racism, discrimination and xenophobia, promoting the inclusion of people in situations of human mobility²²³⁹.

²²³⁹ UNESCO [Human mobility: the work of the United Nations in Uruguay](#), 7 September 2021

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1558. With respect to the guarantee of ESCER in Venezuela, the Office of the Special Rapporteur continues to monitor the serious challenges to its guarantee, in a context of a complex, serious, and multidimensional humanitarian crisis that has been exacerbated by the impacts of the COVID-19 pandemic. Under this scenario, the REDESCA takes special note of the situation of the right to health and its social determinants, the impact of the climate emergency and the guarantee of the human right to water, the protection of labor and trade union rights, as well as the right to education and academic freedom. Against this background, the importance of implementing economic and fiscal policies with a human rights approach is evaluated. Finally, the REDESCA observes how human mobility would be intrinsically related to the generalized deprivation of ESCER, being present both in the reasons for emigrating from the country, as well as in the transit and destination of the majority of people in a condition of human mobility. Each of these strategic lines is addressed in greater detail below.

A. Right to Health and its Social Determinants

1559. In relation to economic, social, cultural and environmental rights in the country, the REDESCA notes with concern the significant impact that the pandemic has had on the enjoyment and enjoyment of these rights. The above, taking into account that the health emergency produced by COVID-19 occurred in the context of a complex humanitarian emergency that has been characterized by serious obstacles to living a dignified life in the country for the majority of the population. As a result, a high number of infections and deaths due to COVID-19 have had to be faced, which has been aggravated by the collapse of the health system, reports of underreporting of infections and deaths, as well as serious challenges to the immunization process (in the absence of an effective national vaccination plan). This is coupled with shortages of medicines and medical supplies, the lack of provision of essential services - such as drinking water, sanitation and electricity - and growing poverty that prevents the satisfaction of basic needs.

1560. Faced with the infections and deaths caused by COVID-19, the REDESCA observes that, at the end of August, Venezuela would have one of the highest case fatality rates of health personnel due to Covid-19 in South America and the third highest in lethality of pregnant women. Likewise, according to official data reported by the Ministry of People's Power for Health, at the beginning of November 2021, the pandemic would have caused an approximate of 407,866 infections, 4,902 deaths and 391,840 people recovered in the country. However, the REDESCA notes with concern the constant complaints about the underreporting of these numbers, since, during the course of the year, national and international organizations have reported that the update of figures provided by the Executive would not correspond to reality, which would be the result of the absence of capacity to carry out tests at the national level and the alleged manipulation of information in this regard. As an example, it is highlighted that, despite this number of official deaths, there are reports that only within the health personnel, as of October 29, 2021, 779 people

would have died. This situation is even more aggravating considering that the State has not provided epidemiological information since 2017.²²⁴⁰2241224222432244

1561. Due to the above, the REDESCA emphasizes that the discrepancy in information regarding COVID-19 directly affects people's possibilities to access an adequate health service, and that this, in addition to making vulnerable groups invisible, prevents knowing the magnitude of the crisis and, with it, the design of public policies to overcome it. For this reason, the REDESCA recalls that States must ensure the right of access to public information in the context of the emergency generated by COVID-19 and, consequently, must proactively report on the impacts of the pandemic, in a disaggregated manner, in open formats and in a manner accessible to all groups in vulnerable situations, in accordance with international best practices and in accordance with the provisions of IACHR Resolution 1/2020.²²⁴⁵

1562. In this framework, the REDESCA takes note of the Initiative of the State to generate the Blog of the Patria platform, in order to provide data on COVID-19 and its impact. In this regard, it urges that this platform provide adequate, sufficient and timely information to generate public confidence in it. Likewise, the REDESCA welcomes the work of Monitor Salud Venezuela, and other organizations, which through their work seek to respond to the discrepancy of information and the vacuum of official data on health, through a system of supervision, evaluation and permanent surveillance of the epidemiological data that are generated in the Venezuelan health system.

1563. In relation to the measures adopted by the Executive to contain the pandemic, the REDESCA highlights the different campaigns to promote the use of masks, social distancing and hand washing – these are in line with what is recommended by the WHO. Likewise, note is taken of the 7+7 method, which consists of a radical quarantine for 7 days, alternating with 7 days of flexibilization of some activities, and which has been applied since June 2020. In this regard, it is specified that, from the end of August, the radical quarantine went to a week of quarantine "with special care", which allows the opening of other sectors other than the priority ones. Likewise, it has been announced that from November there will be an easing of health restrictions until

²²⁴⁰ PAHO, Epidemiological Update Coronavirus Disease (COVID-19), August 21, 2021; El Pitazo, [PAHO: Venezuela leads COVID-19 case fatality rate for health workers in South America](#), September 19, 2021.

²²⁴¹ Covid-19 Patria Blog, [Statistics Venezuela](#), November 2, 2021; Worldometer, [Coronavirus Cases in Venezuela](#), November 2, 2021.

²²⁴² Swissinfo, [Venezuelan opposition reports almost twice as many deaths from covid as the government](#), 26 January 2021; The Country, [The rise in cases of covid-19 collapses the health system of Venezuela](#), March 17, 2021; CNN [Discrepancy in COVID-19 figures in Venezuela: locality reports more than three times as many deaths as official figures for an entire state](#), March 19, 2021; DW [The pandemic in Venezuela: manipulation of information, full cemeteries and still no vaccination plan](#), April 19, 2021; Swissinfo, [NGO denounces manipulation of data on anti-covid vaccination in Venezuela](#), June 7, 2021; Swissinfo, [Venezuelan union denounces the death of 15 patients after a blackout](#), October 6, 2021.

²²⁴³ DW [Venezuela accumulates 779 deaths of health personnel due to covid](#), October 29, 2021

²²⁴⁴ Amnesty International, [Covid-19 in Venezuela: health personnel at risk](#), August 30, 2021

²²⁴⁵ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 32.

December 31, through the temporary suspension of the 7+7 method. Even so, it is observed that biosecurity measures continue to be promoted. ²²⁴⁶²²⁴⁷²²⁴⁸²²⁴⁹

1564. In the same vein, it takes note of the different coordination with international organizations, such as PAHO/WHO and UNICEF to respond to the pandemic with special attention to the right to health and its social determinants, which as a result have allowed: interventions in water, sanitation and hygiene in health care centers; the distribution of supplies for frontline pandemic response personnel; technical assistance - training for infection prevention and control; vaccination strategies in the context of the COVID-19 pandemic - development of the plan for the introduction and deployment of the vaccine; among others. ²²⁵⁰²²⁵¹

1565. Likewise, the REDESCA welcomes the different agreements that have taken place despite the political polarization facing the country. Among these stands out, on the one hand, the signing of the agreement in June 2020 between the Ministry of People's Power for Health and the health advisors of that time of the National Assembly. On the other hand, the agreement to facilitate access to vaccines against COVID-19. This is in line with various calls from the IACHR and its REDESCA, which have called for dialogue among all social and political actors, in order to protect the people living in the country and save as many lives as possible, especially during the health crisis. ²²⁵²²²⁵³

1566. In spite of the above, for the Office of the Special Rapporteur ESCER it is of special concern that, although the 7+7 plan would have contributed to reducing the pressure of infections on the weakened health system - especially at the beginning, when the application of the measures was stricter - it has had a negative impact on the economy - with the closure of some companies. employment and education, and in particular, about people in conditions of labor informality, who must look for alternatives to meet their needs on a day-to-day basis. In this way, it would have been established that the measure would be more efficient in the higher socioeconomic classes, but presents serious challenges for people with fewer economic resources. Faced with this point, the REDESCA recalls that the IACHR established in its resolution 1/2020 that it is necessary that, when issuing emergency and containment measures in the face of the COVID-19 pandemic, States provide and apply intersectional perspectives, which pay special attention to the differentiated impact of such measures on historically excluded groups or in a special situation of vulnerability,

²²⁴⁶ DW [This is Maduro's plan to stop the pandemic in Venezuela](#), May 19, 2021

²²⁴⁷ Field [Covid-19 in Venezuela: from radical quarantine to special care](#), August 23, 2021

²²⁴⁸ Infobae, [The Maduro regime will suspend sanitary restrictions in Venezuela from November to December 31](#), 18 October 2021

²²⁴⁹ Ministry of People's Power for Ecosocialism. [RADICAL QUARANTINE WEEK WITH SPECIAL CARE BEGINS THIS MONDAY](#), August 22, 2021

²²⁵⁰ PAHO [Annual Report 2020 | Cooperation in health - PAHO/WHO in Venezuela](#), 9 February 2021

²²⁵¹ UNICEF [UNICEF Venezuela's response to COVID-19](#), n.d.; PAHO [Annual Report 2020 | Cooperation in health - PAHO/WHO in Venezuela](#), 9 February 2021

²²⁵² PAHO [Annual Report 2020 | Cooperation in health - PAHO/WHO in Venezuela](#), 9 February 2021

²²⁵³ The Country, [Government and opposition reach an agreement to facilitate access to vaccines in Venezuela](#), 6 September 2021

including those living in poverty and people who have informal jobs and/or precarious incomes.
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1567. In line with the above, the REDESCA observes that, despite the fact that measures have been adopted to ensure the supply of biosecurity material, medical supplies and medicines, there have been constant complaints from the health sector, and from the population in general, due to their shortages. Thus, at the beginning of October 2021, Monitor Salud reported that in 40 of the 62 health centers in Venezuela there are no masks for staff working in emergency rooms; that only in 32 of 62 hospitals would have gloves available in emergencies – although with insufficient quantity – and the lack of face shields for emergency personnel in 44 of 62 hospitals. ²²⁵⁹²²⁶⁰

1568. In this regard, the REDESCA recognizes that the impact of unilateral coercive economic sanctions would have exacerbated the situation of vulnerability of the population, and as established by the UN High Commissioner, Michelle Bachelet, emphasizes that these have aggravated the shortage of medicines and food due to excessive compliance with them, despite the humanitarian exceptions they contemplate. For this reason, the REDESCA joins the call to lift them, although it reiterates that, despite them, the State is obliged to take all the measures at its disposal to guarantee the ESCER of all persons in its jurisdiction, under the principle of equality and non-discrimination. ²²⁶¹

1569. On the other hand, the mandate expresses its concern about the delays and challenges for the immunization against COVID-19 of the population, because despite the different obstacles that the country has faced for access to vaccines -including, among other reasons, the freezing of funds abroad-, it has been denounced that Venezuela would not have an effective national vaccination plan or a roadmap that allows the distribution of the vaccines, nor their equitable and universal access. Additionally, there are complaints about the politicization of the immunization process, which would have led to only 42% of medical personnel receiving at least one dose of the vaccine at the beginning of June. In the same sense, people who received the first dose, have reported

²²⁵⁴ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 6.

²²⁵⁵ DW [This is Maduro's plan to stop the pandemic in Venezuela](#), May 19, 2021

²²⁵⁶ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 6.

²²⁵⁷ DW [This is Maduro's plan to stop the pandemic in Venezuela](#), May 19, 2021

²²⁵⁸ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, Considerative Part III.

²²⁵⁹ Amnesty International, [VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19](#), September 13, 2021; Venezuelan Observatory of Social Conflict, [Protests in Venezuela 1st quarter 2020 vs. 2021](#), April 22, 2021

²²⁶⁰ The Impulse, [Health Monitor: In 40 of 62 health centers in Venezuela there are no masks #6Oct](#), 6 October 2021

²²⁶¹ UN News, [Sanctions on Venezuela and COVID-19 exacerbate the social and economic crises that already existed, says Bachelet](#), September 13, 2021.

- serious problems to obtain their second dose, because despite waiting for the established time, standing in long lines and trying repeatedly, they fail to get vaccinated.²²⁶²²²⁶³²²⁶⁴
1570. This is even more worrying considering that not only is there no reliable data on the pandemic and its impacts, but also on the inoculation process in the country. According to a recent survey conducted by Transparencia Venezuela, it was determined that 70% of the people consulted do not know the criteria to apply the doses and 82.3% said they had not seen the immunization plan. In addition, there are allegations that people who do not belong to the priority sectors have the possibility of getting vaccinated by paying between 200 and 300 dollars.²²⁶⁵²²⁶⁶
1571. In turn, the REDESCA notes that members of the Government, the security sectors and the National Assembly would have had priority to acquire its vaccine, despite the existence of a large number of people at greater risk of contagion or in a situation of greater vulnerability to COVID-19 -such as the elderly, frontline personnel, among others- without a complete vaccination schedule. In the same way, the denunciations of the alleged requirement of the national card to receive the vaccines in some cases are observed with concern.²²⁶⁷²²⁶⁸
1572. The result of this scenario would be a country with serious difficulties in immunizing its population, being, at the end of September 2021, one of the ten countries at the regional level that had not managed to vaccinate even 20% of the people under its jurisdiction, despite the fact that there were other countries in the region that to date had already reached a vaccination rate of more than 70%. Likewise, it is observed that frontline personnel are one of the groups in the greatest situation of vulnerability in this context, since, as of September 2021, it was reported that less than 30% of health workers had been vaccinated. It should be noted that, although at the beginning of November some official voices indicated that the vaccination rate would have reached 70%, other sources of information indicated that the complete vaccination rate as of

²²⁶² Amnesty International, Vaccines in the Americas, March 2021; Amnesty International, VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19, September 13, 2021

²²⁶³ Infobae, More than 600 health workers died in Venezuela from coronavirus, June 1, 2021

²²⁶⁴ France24, No trace of the second dose of the Russian vaccine Sputnik V in Venezuela, August 20, 2021

²²⁶⁵ Transparencia Venezuela, IN VENEZUELA, OPACITY SEEKS TO DENY THE MAGNITUDE OF THE CRISIS, 28 September 2021

²²⁶⁶ Amnesty International, VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19, September 13, 2021

²²⁶⁷ Amnesty International, VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19, September 13, 2021; CNN How does the vaccination plan in Venezuela benefit Maduro's supporters?, 26 February 2021; Cocuyo effect, Former Minister Oletta: It is unacceptable that deputies are vaccinated first than older adults, 24 February 2021

²²⁶⁸ The National, For not having a national card: health workers in Carabobo were denied anti-covid vaccines, May 12, 2021; Amnesty International, VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19, September 13, 2021

- November 5 would be 32.3%, while, at the end of November and according to ²²⁶⁹2270²²⁷¹2272²²⁷³the most recent advance of the vaccine coverage survey - carried out within the framework of the monitoring of the National Survey of COVID-19 Hospitals -, the COVID-19 immunization rate would be 36.28%.²²⁷⁴
1573. Faced with this, the REDESCA recalls that, in accordance with IACHR Resolution 1/2021, universal and equitable access to available vaccines constitutes an obligation of immediate compliance by States. Additionally, States have the duty to ensure the distribution of vaccines through the development and implementation of a national vaccination plan; and consequently, to refrain from discriminatory treatment through the removal of normative, regulatory or any other type of obstacles that could lead to this practice, as well as to create conditions of real equality against groups that have historically been violated in their rights, or that are at greater risk of suffering discrimination.²²⁷⁴
1574. In the same sense, it is a priority to remember that States must prioritize the inoculation of people at greater risk of contagion and those who experience a greater risk in the face of the pandemic, while the context of scarcity and limitations in access to vaccines is overcome, for which the WHO SAGE principles must be taken into account. In the same way, it is emphasized that the availability of information on vaccines saves lives, and therefore, it is the obligation of the States to provide and disseminate adequate and sufficient information about them to prevent COVID-19, as well as to proactively disclose those data referring to registries, studies, vaccination plans and in general, the information related to the acquisition, import, distribution, prioritization, application of vaccines; as well as the surveillance and control processes and procedures applied.²²⁷⁵²²⁷⁶
1575. Finally, and considering the allegations of corruption in the immunization process in the country, it is recalled that States have the obligation to eradicate corruption in the field of

²²⁶⁹ PAHO [PAHO increases procurement of COVID-19 vaccines for the Americas](#), September 29, 2021

²²⁷⁰ Amnesty International, [VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19](#), September 13, 2021

²²⁷¹ France24, [Maduro says Venezuela vaccinated 70% of its population against covid](#), November 8, 2021

²²⁷² Voice of America, [Verified: Maduro exaggerates when he says Venezuela has 70% of the population vaccinated](#), November 11, 2021

²²⁷³ Cocuyo effect, [Only 36.28% of the population is fully vaccinated against COVID-19 in Venezuela](#), according to survey, November 29, 2021.

²²⁷⁴ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 1.

²²⁷⁵ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 7.

²²⁷⁶ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, para. 11, 20

- distribution and application of vaccines, seeking to prevent and punish that they are used as gifts or personal and / or political favors, particularly in electoral contexts. ²²⁷⁷2278
1576. Faced with this panorama, the REDESCA expresses in a particular way its concern about the conditions of health personnel in Venezuela, who not only experience a greater risk of contagion in the midst of the COVID-19 pandemic by being on the front line, but also by the extremely difficult conditions in which they have had to carry out their work. Among the issues that have characterized their situation are: the lack of sufficient personal protection elements – coupled with the lack of effective prioritization for their immunization;; lack of labor guarantees and a living wage; lack of adequate health facilities – in which 80% of hospitals are reported to face failures in the supply of electricity and water; shortages of medical supplies and medicines, and in some cases, persecution and harassment for denouncing the pandemic situation or for demanding their labor rights. ²²⁷⁹228022812282
1577. On this last point, it is highlighted that from 2018 to date, 43 people from the health sector have been arrested for reasons coupled with the vindication of their rights, including demands for better working and health conditions, as well as complaints about the situation of the pandemic in the country or the state of hospitals. Among the crimes charged with these acts would be incitement to hatred, terrorism, disturbance of public order, among others. Likewise, between January and September 2021 alone, Monitor Salud has reported 625 threats to health personnel for protesting. ²²⁸³2284
1578. Likewise, as an example, it has been denounced how the people of the nursing guild who protested their low salaries in 2020 would have lost their jobs and were left in the middle of a pattern of threats and persecution. For this reason, the REDESCA emphatically reiterates that the persecution, intimidation and harassment of health professionals who denounce the lack of equipment and the epidemiological mismanagement of the crisis is not only incompatible with the objectives of the State's management of a health crisis, but contrary to its international human rights obligations. ²²⁸⁵
1579. Likewise, in relation to their employment situation, the REDESCA notes that health personnel face work overloads due to the serious deficit of qualified personnel, since many people have found

²²⁷⁷ AA [Corruption scandals tarnish vaccination process in Latin America](#), March 6, 2021; Amnesty International, [VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19](#), September 13, 2021

²²⁷⁸ IACHR, [Resolution 1/2021: Covid-19 vaccines within the framework of inter-American human rights obligations](#), 6 April 2021, Para. 21

²²⁷⁹ Amnesty International, [VACCINATION OF HEALTH PERSONNEL SHOULD BE A PRIORITY IN VENEZUELA IN THE FACE OF AN INCREASE IN DEATHS FROM COVID-19](#), September 13, 2021

²²⁸⁰ Runrunes, [infographic | Criminalization and violence against health workers: An evil that is chronic](#), August 18, 2021

²²⁸¹ Ibid

²²⁸² Amnesty International. [Covid-19 in Venezuela: health personnel at risk](#), August 30, 2021; Runrunes, [infographic | Criminalization and violence against health workers: An evil that is chronic](#), August 18, 2021

²²⁸³ Runrunes, [infographic | Criminalization and violence against health workers: An evil that is chronic](#), August 18, 2021

²²⁸⁴ Yahoo [The Venezuelan union denounces 625 threats to health personnel during 2021](#), October 11, 2021

²²⁸⁵ Amnesty International. [Covid-19 in Venezuela: health personnel at risk](#), August 30, 2021

- themselves in the need to resign from their jobs and / or leave the country due to poor conditions to perform their functions and / or lack of job opportunities. This is coupled with the fact that there are still numerous occasions in which hospital staff indicate that they are forced to work without having the basic guarantees of hygiene -such as the provision of drinking water and soap- and / or without having the most elementary personal protective equipment such as: face shields, safety glasses or gloves.²²⁸⁶²²⁸⁷
1580. This situation continues to show what was observed by the IACHR and REDESCA during their visit, in which extensive testimonies were received about the current conditions of the health system, which have been worsened by the massive and growing flight of human capital from the serious humanitarian crisis that the country suffers, thus leaving the people who continue to exercise their work with accumulated work. In this sense, a mixture of factors composed of the lack of supplies, the accelerated deterioration of health facilities and, in general, the difficult conditions that both users and people working in the sector must face on a daily basis, contribute to the right to health being diminished and there is no full guarantee in its essential elements, such as: accessibility, availability, acceptability and quality.²²⁸⁸
1581. Against this background, the REDESCA recalls that, in line with IACHR Resolution 4/2020, States must adopt measures for the effective protection of health and care workers who professionally care for people with COVID-19, ensuring the construction of contexts and environments free of harassment and threats. Likewise, it is required that health and care workers have sufficient personal protective equipment and that they are given due guarantee of their labor rights, which include the protection of their job stability, rest, fair and adequate remuneration, the due balance of overload and long working hours to which they are exposed, as well as the abstention from compelling them to perform their functions when they are at risk due to their health condition or for not having the necessary personal protection and biosecurity equipment or materials.²²⁸⁹
1582. This is especially taken into account that health workers face in their frontline work a series of obstacles, threats, harassment and aggressions or risks, while acting as human rights defenders by making a special effort to guarantee access to the rights of people who require health services and care.²²⁹⁰ Along the same lines, the REDESCA in turn recalls that States have the obligation to: ensure the availability and timely provision of sufficient quantities of biosecurity material, supplies and essential medical supplements for the use of health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises,

²²⁸⁶ Ibid.

²²⁸⁷ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, para. 1100

²²⁸⁸ Ibid., § 1111.

²²⁸⁹ IACHR, Resolution 4/2020: Human Rights of People with COVID-19, 27 July 2020, paras. 39-41.

²²⁹⁰ Ibid

guarantee the protection of their rights, as well as the availability of minimum specific resources destined to face this type of health emergency situations. ²²⁹¹

1583. In line with the above, the REDESCA takes note of how the persistent precariousness of the health sector in the country continues to be aggravated by the COVID-19 pandemic, and how this has not only led to challenges for the care of people with COVID-19, but also would have exacerbated the capacity to care for people with other pathologies and diseases, that they would not have the possibility of accessing the purchase of medicines, medical supplies, or treatments, in the absence of their provision by the State. This situation would be even more aggravating for people with chronic diseases – such as kidney and cancer patients, people with diabetes, HIV/AIDS, hypertension, among others – who would have been relegated in the current context. ²²⁹²²²⁹³

1584. As an example, the REDESCA received information on the deprivation to health and life of people with chronic kidney disease in Venezuela in the context of the pandemic, which indicates that, during 2020 to June 2021, 80% of dialysis units in the country have maintenance failures in osmosis plants and artificial kidney machines. Likewise, that quarantine measures and restrictions on mobility would have affected people in treatment and supplier companies differently, which has been aggravated by the fact that there would be no protocols established for people with kidney disease who have contracted COVID-19. This in a context of collapse of the health system, in which since 2016 the number of dialyzed people has drastically decreased, due to paralysis in treatment units, lack of materials to perform the procedure and the suspension of transplants nationwide. ²²⁹⁴

1585. This situation would even affect those who are under the protection of precautionary measures of the IACHR, such as patients and health professionals of the J.M. de los Ríos Hospital, as well as patients in the areas of childbirth and emergencies, and the neonates of the Concepción Palacios Maternity Hospital, in which the lack of infrastructure and adequate care persists. coupled with the shortage of supplies and medicines, which would maintain their situation of vulnerability and the reluctance of the State to comply with the measures issued. In turn, the REDESCA expresses concern about the serious and urgent situation of risk of irreparable harm of the 20 people with multiple sclerosis against whom the precautionary measures would have been

²²⁹¹ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 10.

²²⁹² NTN24, "[Every day, many dead](#)": the story of the HUC health staff, March 30, 2021; The Country, [The rise in cases of covid-19 collapses the health system of Venezuela](#), March 17, 2021; The 2 banks, [Venezuela's hospitals sunk in misery](#), July 9, 2021.

²²⁹³ Voice of America, [Overshadowed by COVID-19: "chronic patients have been forgotten"](#), June 1, 2021; Amnesty International [The agony of chronic patients](#), n.d.

²²⁹⁴ Codevida-ATV, Report [envelope the deprivation of the rights a the Bless you y the life of people with illness renal chroniclein Venezuela in the context of Covid-19](#), June 2021

extended at the beginning of the year and of the 12 women with breast cancer in Venezuela beneficiaries of precautionary measures since October 2020. ²²⁹⁵²²⁹⁶²²⁹⁷

1586. Faced with these situations and as evidence that the Venezuelan State would not have yet seen in the precautionary measures granted an opportunity to correct an urgent and serious situation, and thus prevent human rights violations, the REDESCA takes note of 31 children and adolescents who have died in the hematology service of the JM de los Ríos Hospital between 2019 and August 2021, as well as 25 who by October 2021 would be waiting for bone marrow transplants – including 15 in an emergency situation with imminent risk of losing their lives due to neglect. This situation would be worsened by events of threats, intimidation and acts of harassment towards Katherine Martínez, Director of "Prepara Familia" in Venezuela, who has been an applicant for precautionary measures in favor of child patients in said Hospital and fulfilled the role of representation of such measures before the IACHR, playing a vital role in the documentation and registration of the critical situation in which the JM Hospital of the Rios, as well as in the humanitarian aid that would be provided to patients and families who come to it. ²²⁹⁸²²⁹⁹

1587. In the same vein, the REDESCA mourns the death of Messrs. José Humberto Hernández Rodríguez and Román Tovar Zambrano on March 23 and 24, 2021, who lost their lives due to the lack of medical attention and provision of prescribed medical treatments – in the first case, due to serious respiratory failure and lung injury while deprived of their liberty, and in the second case, for neglect of the multiple sclerosis he suffered. For this reason, the REDESCA makes an emphatic call to the institutions in charge to implement the precautionary measures in an appropriate and effective manner, while expressing its solidarity with the victims. ²³⁰⁰

1588. Finally, with regard to the right to health, the REDESCA takes note of the differentiated and disproportionate impact that the pandemic is having on the guarantee of the right to health of women, who would be deprived of access to sexual and reproductive health services in the country. It should be noted that their situation of vulnerability would be pre-existing to the pandemic and has been worsening, since even since the visit the obstacles to receiving prenatal controls and childbirth were evident; the lack of access to health services and medical supplies

²²⁹⁵ IACHR, Press Release No. 106/2020, [IACHR Presents Its Preliminary Observations and Recommendations Following Historic On-Site Visit to Venezuela to Monitor Human Rights Situation](#), May 8, 2020

²²⁹⁶ IACHR, Press Release No. 007/2021, [IACHR Expands Precautionary Measures in Favor of Twenty People with Multiple Sclerosis in Venezuela](#), 13 January 2021

²²⁹⁷ IACHR, Press Release No. 256/2020, [IACHR Grants Precautionary Measures of Protection for 12 Women with Breast Cancer in Venezuela](#), 13 January 2021

²²⁹⁸ Chronicle One, [15 children from J.M. de los Ríos are between the risk of dying and the way of the cross of a bone marrow transplant](#), 6 October 2021

²²⁹⁹ IACHR, Press Release No. 193/2020, [IACHR Expands Protection Measures in Favor of Katherine Martínez, Director of Prepara Familia, in Venezuela](#), August 7, 2020

²³⁰⁰ IACHR, Press Release No. 083/2021, [The IACHR Regrets the Death of Two Beneficiaries of Precautionary Measures in Venezuela and Calls on the State to Implement All Precautionary Measures to Prevent the Materialization of the Identified Risks](#), 13 January 2021

that only women and pregnant women require, as well as the impossibility of accessing contraceptive and family planning methods for the majority of the population.²³⁰¹²³⁰²

1589. As of September 2021, there are reports that estimate that at least 30% of Venezuelan women cannot afford contraceptives, because only in February 2021 – without taking into account the hyperinflationary phenomenon that makes purchasing power less and less – a package of three condoms cost almost triple the minimum wage, the contraceptive pill approximately 10 times more and an intrauterine device more than 25 times more.²³⁰³ This, in the midst of restrictive legislation on voluntary termination of pregnancy, which would be linked to unwanted pregnancies, unsafe abortions and high maternal mortality rates.²³⁰⁴

1590. The health situation would be even more problematic considering the serious obstacles that exist to address its basic and social determinants, including among others: income and social protection, water and the healthy environment, the right to housing and basic amenities, among others. In this line, the majority of the population faces serious difficulties in the provision of essential basic services, such as: drinking water, sanitation, electricity, telecommunications, and even the acquisition of medicines, food, among others. As a result, there are constant protests in the country to demand the guarantee of ESCER. In fact, during the first three months of 2021, 76% of the protests (1,144 out of 1,506) would have occurred for this reason.²³⁰⁵

1591. In terms of food, the condition of high vulnerability faced by the majority of the population is observed, while the purchasing power of households does not allow the acquisition of the basic basket, while the delays in the sale and delivery of CLAPS are denounced, as well as the political and social control that would be exercised through social programs. Therefore, it is noted that the food and nutritional situation in Venezuela has been worsening, since only in 2020, it was estimated that 96% of people were in a situation of poverty – double that registered in 2014 - while there was an increase of almost 60% of extreme poverty -which would have gone from 20% to 79%-. This would have resulted in more than 9 million Venezuelans in a situation of food insecurity.²³⁰⁶²³⁰⁷²³⁰⁸

1592. In this regard, although it is highlighted that between 2020 and 2021 the number of households that declared not to experience food insecurity would have decreased (from 6.6% to 5.8%), it is important to consider that per capita food consumption would have fallen between 2 and 13% according to the social stratum in the last year, with the poorest stratum being the one

²³⁰¹ IACHR, Press Release No. 085/2021, [IACHR Expresses Concern over Lack of Access to Sexual and Reproductive Health Services in Venezuela](#), April 6, 2021

²³⁰² Ibid

²³⁰³ The Impulse, [At least 30% of Venezuelan women cannot afford contraceptives #26Sep](#), 26 September 2021

²³⁰⁴ The New York Times, [Without access to contraception, Venezuela's women have lost control of their lives](#), February 20, 2021.

²³⁰⁵ Venezuelan Observatory of Social Conflict. [Protests in Venezuela 1st quarter 2020 vs. 2021](#), April 22, 2021

²³⁰⁶ Venezuelan Observatory of Social Conflict. [Protests in Venezuela 1st quarter 2020 vs. 2021](#), April 22, 2021

²³⁰⁷ Provide [Annual Report 2020: Malnutrition and food insecurity intensified in Venezuela](#), June 18, 2021

²³⁰⁸ Ibid

that reduced it the most -13.3%-. Thus, by 2021, from the National Survey of Living Conditions, mild food insecurity would be approximately 34.5%, moderate 35.2% and severe 24.5%.²³⁰⁹²³¹⁰

1593. Faced with other indicators, although it is highlighted that households in situations of non-extreme poverty would have improved their food consumption in part thanks to the directing of government social aid to this socioeconomic stratum, a call is made to ensure the continuity and improvement of social programs that ensure the right to food of the entire population, especially those in the most vulnerable situation. Likewise, it is emphasized that, in order to determine the beneficiaries, it is a priority to guarantee the application of the principle of equality and non-discrimination, so that the realization of the ESCER is not linked to any political affiliation. In this regard, the Office of the Special Rapporteur reiterates to the Venezuelan State that the right to food becomes effective when people have physical and economic access to adequate food or to the means to obtain it at all times.²³¹¹

B. Climate Emergency and Human Right to Water

1594. In this context and recognizing that measures to guarantee the right to health are not effective if their basic and social determinants are not addressed at the same time, the REDESCA expresses its concern about the guarantee of the right to a healthy environment and the right to water in the country.

1595. In this line, an urgent call to guarantee the right to a healthy environment is made a priority, which, among others, would be one of the most affected by extractive activities in the Orinoco Mining Arc, as has been expressed by the Office of the Special Rapporteur on other occasions. This taking into account that the lack of state control in the area -in which complaints have been reiterated for the control exercised by illegal armed groups-, has generated a state of vulnerability for inhabitants of the area, with a disproportionate and differentiated impact on women, indigenous peoples and border populations.²³¹²²³¹³²³¹⁴ This situation would be characterized by high environmental impacts, the scarcity of livelihoods – food, goods and services – and significant health risks, given the exposure to mercury by the population, which would continue to be used

²³⁰⁹ UCAB, Instituto de Investigaciones Económicas y Sociales, ENCOVI - Encuesta Nacional de Condiciones de Vida 2021, September 2021, p. 70-71

²³¹⁰ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 66

²³¹¹ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 68

²³¹² United Nations High Commissioner for Human Rights. Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and human rights situation in the Orinoco Mining Arc region. July 15, 2020, para. 65.

²³¹³ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, Error! Bookmark not defined. 2020, OAS/SER. L/V/II, 30 March 2021, para. 1128

²³¹⁴ Ibid

for the extraction of gold, despite being prohibited as a method of obtaining or treating minerals in the national territory.²³¹⁵

1596. While in this scenario there would also be a pattern of labor exploitation – including child labor – and complaints about human trafficking and sexual exploitation, the REDESCA emphasizes the obligation that the State has to ensure respect for human rights in the framework of these activities. Likewise, the Office of the Special Rapporteur on ESCER reaffirms the close relationship between human rights, sustainable development, and the environment, whose interaction encompasses innumerable facets and scopes. For this reason, it urges the State not only to exercise its regulatory, supervisory and judicial functions, but also to companies that, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to its close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations. ²³¹⁶²³¹⁷²³¹⁸

1597. For its part, in relation to the human right to water, the REDESCA notes that the situation remains particularly worrying, since the lack of guarantee of this right considerably increases the risks of contagion in the context of the COVID-19 pandemic. In this sense, it is estimated that 80% of the Venezuelan population would receive water intermittently, which would also not meet the necessary quality standards. In addition, based on a survey prepared by the Venezuelan Observatory of Public Services, 70% of the people consulted consider that the problems related to water are affecting their quality of life, even more so taking into account that 56% consider that the water for consumption they receive at home would not be safe. Consequently, only in the first quarter of the year, the Venezuelan Observatory of Social Conflict registered 223 protests for water demand, given the limitations of access to the resource for personal, domestic and community hygiene. ²³¹⁹²³²⁰²³²¹²³²²

1598. In this regard, it is specified that the lack of guarantee of the right to water has profound impacts on the guarantee of other rights, such as health, education, housing, among others. As previously reported by the IACHR and its REDESCA, this problem, together with the weaknesses of the electricity system and the constant blackouts, has affected the quality of life in homes and

²³¹⁵ Ibid., 1129.

²³¹⁶ United Nations High Commissioner for Human Rights, Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and human rights situation in the Orinoco Mining Arc region, July 15, 2020, para. 65; UCAB, Center for Human Rights, MODERN SLAVERY**Error! Bookmark not defined.****Error! Bookmark not defined.**, 03 March 2021

²³¹⁷ Inter-American Commission on Human Rights, Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II/CIDH/REDESCA/INF.1/19, November 30, 2019, para. 46.

²³¹⁸ Ibid

²³¹⁹ DW Venezuela and the lack of water: tanker trucks are "a very cruel propaganda strategy", 26 May 2020; Aula Abierta, Venezuela without water: easy prey of the Coronavirus, March 27, 2020

²³²⁰ DW Venezuela and the lack of water: tanker trucks are "a very cruel propaganda strategy", 26 May 2020

²³²¹ The Journal, Water, electricity and gas: the services worst rated by Venezuelans, 30 September 2021; Venezuelan Observatory of Public Services, Citizen perception of the environmental damage generated by failures in public services, no. 27, September 2021

²³²² Venezuelan Observatory of Social Conflict. Social conflict in Venezuela in the first quarter of 2021, April 22, 2021

prevented the care of patients in hospitals on several occasions, as well as the implementation of adequate sanitation and hygiene measures in these facilities. For this reason, it is reiterated that it is a priority to adopt measures aimed at solving the problem of water scarcity at the national level, since within the framework of the Inter-American System, the human right to water imposes the obligation on States to guarantee access to safe water and in sufficient quantity as an inescapable condition for the satisfaction and exercise of several human rights, as are the right to life, personal integrity, health, among others.²³²³

C. Labor and Trade Union Rights

1599. With regard to labor and trade union rights, the REDESCA takes note of the normative reception that the right to work would have in the national legal framework, as well as the stipulation of the minimum wage and its periodic updating. However, as a result of the deep economic and social crisis that Venezuela is going through -and with it the progressive fall in economic activity-, it observes that ²³²⁴the economically inactive population has increased considerably since 2018 (reaching almost 50%) and formal employment in the public and private sector has decreased significantly, with a reduction of 21, 8% between 2014 and 2021. The above, with a differentiated impact on women.²³²⁵

1600. Likewise, it highlights that one of the transversal problems for those who manage to earn an income is that it is insufficient to meet the slightest needs and lead a decent life, so that most people who manage to participate in the labor market would be in a situation of poverty.²³²⁶ In this regard, it is specified that only in March 2021, to acquire the basic basket for a family, people would need 420.15 minimum wages or 208.58 general salaries.²³²⁷ From this, it is estimated that at least eight million people – contemplating pensioners and employees – would not have the ability to afford a basic basket, which would have at that time an approximate cost of 300 dollars.²³²⁸ In the same sense, it is estimated that currently 58% of workers in the private sector are in extreme poverty, while in the public sector it would be 75%.²³²⁹

1601. For this reason, one of the main demands on the part of working people in the country has been the dollarization of wages, which allows them to face the hyperinflationary phenomenon and thus have an purchasing power more in line with their needs, taking into account that the

²³²³ IACHR, Press Release No. 077, IACHR and REDESCA Express Concern over lack of electricity and drinking water in Venezuela, March 22, 2019.

²³²⁴ UCAB, Center for Human Rights, MODERN SLAVERY AND LABOR EXPLOITATION

IN VENEZUELA WITH SPECIAL EMPHASIS ON THE CONDITIONS OF THE BOLIVAR STATE, 03 March 2021, p. 11.

²³²⁵ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 40-41

²³²⁶ UCAB, Center for Human Rights, MODERN SLAVERY AND LABOR EXPLOITATION IN VENEZUELA WITH SPECIAL EMPHASIS ON THE CONDITIONS OF THE BOLIVAR STATE, 03 March 2021, p. 11.

²³²⁷ Ibid

²³²⁸ Ibid

²³²⁹ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 53

minimum wage would not cover basic services and that these would be charged in foreign currency.²³³⁰²³³¹

1602. In line with the above, the REDESCA has received complaints about the fact that there would be no guarantees in the country to exercise trade union rights. Consequently, there would be undue interference in the trade union organizations and there would be no one to legitimately represent the workers for the demand of their rights, while the "union parallelism" with the productive workers' councils is maintained. Likewise, the REDESCA received information about what would be a pattern of persecution of union and union leaders. In this regard, the Office of the Special Rapporteur was even informed that the State would open proceedings against these persons by way of retaliation and for the purpose of intimidation, for which, among others, they would be charged with the crime of stealing strategic material. As of July 2021, it is noted that there would be more than 150 arrests in which due process would not have been guaranteed and a large number of complaints of threats and aggressions. Such situations would not be the result of the commission of any crime, but on the contrary, would be directly linked to the legitimate claim for labor improvements.²³³²²³³³²³³⁴²³³⁵

1603. Faced with this point, the REDESCA emphasizes that the protection of the right to strike, together with freedom of association and collective bargaining, are fundamental pillars to guarantee the right to work and its fair and equitable conditions, so it is necessary to adopt urgent measures to ensure the guarantee of these rights through a comprehensive response that addresses, in a particular way and from a rights perspective, the situation of job insecurity and poverty faced by workers in the country, in the context of a serious economic crisis that requires the implementation of structural measures for an effective response²³³⁶.

D. Fiscal and Economic Policies

1604. Against this background, the REDESCA takes note of the economic policies and social programs implemented by the State to address the situation of poverty of the population, as well as to address certain ESCER. Which, by way of example, and as mentioned above, would have contributed positively to the food consumption of people in situations of non-extreme poverty in recent times. However, it also notes²³³⁷ that the economic outlook in the country is increasingly worrying, since only between 2014 and 2020 there would have been a contraction of GDP of 74%, as well as that a continuous hyperinflation persists, which has resulted in the loss of purchasing

²³³⁰ Venezuelan Observatory of Social Conflict. [Protests in Venezuela 1st quarter 2020 vs. 2021](#), April 22, 2021

²³³¹ Venezuelan Observatory of Social Conflict. [Protests in Venezuela 1st quarter 2020 vs. 2021](#), April 22, 2021

²³³² REDESCA, Meeting with alliance for the defense of labor rights, April 13, 2021

²³³³ REDESCA, Meeting with the Alliance for the Defense of Labor Human Rights, April 13, 2021; The National, [Trade unionism, the other focus of arrests and aggressions in Venezuela](#), 22 July 2021

²³³⁴ REDESCA, Meeting with alliance for the defense of labor rights, April 13, 2021

²³³⁵ The National, [Trade unionism, the other focus of arrests and aggressions in Venezuela](#), 22 July 2021

²³³⁶ Inter-American Court of Human Rights, [Advisory Opinion 27/21](#), May 5, 2021

²³³⁷ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 68

- power of the population, the reduction of employment and the increase in informality, with the consequent vulnerabilities that economic instability generates.²³³⁸
1605. In this regard, it has been denounced that the measures implemented in the face of the economic situation have not been effective or sufficient to face the exponential loss of purchasing power. As an example, since 2008 the country has made several currency conversions that have eliminated zeros from the nominal value of the currency. Although the impulse of these measures sought to lay the foundations for economic recovery, with these would not address the structural problems in economic matters, so these policies would be of a more palliative nature, and beyond attending to the reality of the country, they would only facilitate payments and operations in the administrative and accounting systems.²³³⁹
1606. In this sense, the implementation of fiscal and economic policies is a priority, which, having as their center the guarantee of human rights, enable the progressive development of ESCERs. Consequently, it is essential to implement a comprehensive response that immediately addresses the situation of poverty in which the majority of the population would find themselves. This is taking into account that poverty constitutes a human rights problem that translates into obstacles to the enjoyment and exercise of human rights in conditions of real equality by the individuals, groups and communities living in this condition.²³⁴⁰
1607. Without prejudice to the above, the REDESCA welcomes the initiative of the State to launch social missions through the National System of Missions and Great Socialist Missions. According to official information, more than three million families have overcome their situation of risk and have decent roofs thanks to subsidies, more than 13 million people would be part of the national education system – which would offer free and quality programs – and 7 million families would have received food support. In this regard, it is indicated that more than 20 million people are served by the Patria System and that there are currently a significant number of missions, including: Great Mission Housing Venezuela, Great Mission to All Life Venezuela, Great Mission Homes of the Homeland, The Mission Barrio Adentro, Mission Food, the educational missions Robinson, Ribas and Sucre, Mission Barrio Adentro Deportivo and Mission Culture.²³⁴¹²³⁴²
1608. Taking into account that since 2013 the System of Socialist Missions and Great Missions would have been consolidated, the REDESCA notes with concern that poverty and extreme poverty have had a sustained increase in recent years, which means that between 2014 and 2020 poverty has doubled and that extreme poverty has increased from 20% to 79%²³⁴³. In this regard, it is striking that, despite the existence of the aforementioned programs, the economic situation of the

²³³⁸ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 6.

²³³⁹ The Republic, Venezuela has removed 14 zeros from the bolivar in 13 years through three reconversions, August 6, 2021

²³⁴⁰ IACHR, Poverty and Human Rights Report, 2017, para. 91.

²³⁴¹ MPEEF, National System of Missions and Great Missions, 8 years guaranteeing the integral protection of the Venezuelan people, August 7, 2021

²³⁴² Ibid

²³⁴³ Provide Annual Report 2020: Malnutrition and food insecurity intensified in Venezuela, June 18, 2021

population is detrimental in most cases. Which means that the supply of them cannot respond to the growing level of demand. This could be partly due to the fact that since 2015 the Social Missions have lost coverage and that it has been reported that currently the Social Missions have disappeared or would be limited to food bags and permanent bonuses.²³⁴⁴

1609. To this is added the fact of the constant denunciations about the politicization in the process of granting these aids or subsidies, which has made them considered as a means of political and social control.²³⁴⁵ In this way, the delivery of assistance would be directed towards those people who support the regime of the Executive and would be used to ensure political support of the people, which generates a feeling of false security about the actions of the government. As had been previously pointed out by the Commission and its REDESCA, this would materialize in the conditional delivery of scholarships, as well as support for housing, work, food and health.²³⁴⁶

1610. Finally, on this point, the Office of the Special Rapporteur on ESCER emphasizes that the existence of these programs is of great importance to address the serious economic and social situation of the population, but emphasizes that, in order to be effective, it is required that the granting of subsidies and support does not involve any factor of discrimination. Likewise, given the serious economic problems that afflict the population, it would be important to reevaluate the value of aid, so that it allows people to meet their most basic needs. Faced with this, it is noted that currently some estimates indicate that to overcome the poverty level would require a significant increase in transfers – approximately 10 more than they receive (instead of \$ 2.5 per person, \$ 25) – while to get out of extreme poverty to non-extreme poverty, a bonus 6 times higher than their current average (reaching \$ 16) would be required. In both cases, it would be necessary to increase the number of beneficiaries. In the same vein, it is estimated that transfers would need to be increased by 37.6 times to overcome extreme poverty in all households.²³⁴⁷²³⁴⁸

E. Education, science, technology: academic freedom and university autonomy

1611. In relation to poverty and the guarantee of the right to education, for the REDESCA it is of great concern that currently the educational level is not significantly associated with the improvement of living conditions of people in Venezuela. This is taking into account that, as mentioned by the Committee on Economic, Social and Cultural Rights (CESCR), the right to education is the main means of getting out of poverty for children and adults living in a situation of economic and social vulnerability. Despite this, it is observed that in the country educated people would not have a

²³⁴⁴ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 60.

²³⁴⁵ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS.

CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

(IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, para. 1097

²³⁴⁶ Human Rights Observatory of the Universidad de los Andes Venezuela (ODHULA). Monthly Report: Situation of universities in Venezuela. May, 2020. Q. 5.

²³⁴⁷ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 66

²³⁴⁸ Ibid

substantial difference, since it is estimated that on average people who are not in poverty have studied about 11 years, while those who are in extreme poverty have studied just over 9 years.
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1612. In this scenario, for the Office of the Special Rapporteur ESCER, two issues are of special attention: on the one hand, the progressive deterioration that the Venezuelan education system has had and the profound impacts of the pandemic on the guarantee of this right for children and adolescents in the country, which would have led to a significant reduction in the rates of educational coverage at all ages. but especially in initial and university education. This is coupled with precarious conditions for the country's education sector personnel. On the other hand, the constant threats towards the guarantee of academic freedom and university autonomy.²³⁵¹

1613. In the first place, it should be noted that children and adolescents (NNA) were deprived of the guarantee of the right to education in the context of the pandemic, while the material conditions were not in place to ensure it through virtual or remote classes, even more so considering the lack of connectivity, the constant electrical failures and the generalized situation of poverty, that deprives faculty and student access to the means to connect virtually. Thus, as of September 2021, the REDESCA notes that the closure of schools decreed since March 2020 would have contributed to the low coverage rates for the population between 3 and 24 years old, which by 2021 would be 65%.²³⁵² Likewise, that the system of public universities would not have the capacity to incorporate a considerable number of students who would be moving from private institutions.
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1614. On the other hand, it is noted with concern that the discontinuity of school trajectories would continue to be associated with the worsening of socio-economic conditions, since the condition of poverty is a significant factor in determining the school coverage rate. Therefore, for children between 3 and 5 years old, the coverage rate is 58% in case of extreme poverty and 66% in poverty, while 74% for those who do not experience any of these situations. Likewise, for people between 18 and 24 years old, young people in extreme poverty have a coverage rate of 15%, and in the case of poverty of 23%, while young people in none of these situations have a coverage rate of 40% -almost double-. In the only cases in which this difference would not be so marked is in children between 6-17 years. The same trend is replicated when analyzing coverage rates according to the educational climate of the household – average years of schooling. For this reason, the Office of the Special Rapporteur on ESCER reiterates the need to adopt policies in this area with a differentiated approach, while children in poverty would maintain a low possibility of

²³⁴⁹ CESCR, General Comment No. 13, The right to education, E/C.12/1999/10, 8 December 1999.

²³⁵⁰ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 53

²³⁵¹ UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 9.

²³⁵² UCAB, Institute of Economic and Social Research, ENCOVI - National Survey of Living Conditions 2021, September 2021, p. 10

²³⁵³ Ibid

accumulating educational capital to reduce the risk of perpetuating their economic and social condition.²³⁵⁴²³⁵⁵²³⁵⁶²³⁵⁷

1615. Without detriment to the above, the REDESCA welcomes the call to resume face-to-face classes from the end of October. However, with a view to guaranteeing the right to education and a safe return, the Office of the Special Rapporteur emphatically calls for all necessary biosecurity measures to ensure the protection of the personnel of educational institutions and children, as well as to adapt educational facilities - including the effective and continuous provision of water and electricity - and to ensure sufficient personnel - who must have decent working conditions. In this sense, as established by the ESCR Committee, in order to guarantee the right to education, States must ensure availability, accessibility, acceptability and adaptability, which for their correct application must take into account the best interests of students.²³⁵⁸²³⁵⁹

1616. Secondly, with regard to academic freedom, the REDESCA notes that the political situation in the country continues to generate a profound impact for its due guarantee. Thus, during 2021, reports continued to be received of persecutions and arbitrary detentions against students and members of the academic community for political reasons, coupled with regressive measures in relation to university autonomy and working conditions of the faculty, which continue to make their situation precarious. In this regard, it should be noted that since 2000, there have been restrictions on the right to freedom of association and freedom of expression in the university sector.²³⁶⁰

1617. As an example, and from the monitoring of the REDESCA, information has been obtained that, in May 2021, five student leaders would have been victims of aggressions by the public force while traveling to attend the activity "Student Route through Venezuela", within these aggressions there would have been acts of extortion, abuse, intimidation, humiliation, among others. In connection with the same activity, on 16 April 2021, two students were reportedly detained. This situation is even more worrying considering that the purpose of the activity was to travel the country to encourage participation and seek alternatives to the crisis that the country is experiencing, so they would not only be attacks to the detriment of the right to education and freedom of expression, but also to the consolidation of a democratic State.²³⁶¹²³⁶²

²³⁵⁴ Ibid., p. 12

²³⁵⁵ Ibid

²³⁵⁶ Ibid

²³⁵⁷ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS, 2020, OAS/SER. L/V/II, 30 March 2021, para. 1121.

²³⁵⁸ Vice-Presidency of the Republic of Venezuela, Venezuela begins face-to-face classes on October 25, October 2021; Chronicle One, Maduro announced back to school as of October 25, October 3, 2021

²³⁵⁹ CESCR, General Comment No. 13, The right to education, E/C.12/1999/10, 8 December 1999.

²³⁶⁰ Aula Abierta, EXECUTIVE SUMMARY: IV SINGLE COLLECTIVE AGREEMENT OF THE UNIVERSITY SECTOR: VIOLATIONS OF FREEDOM OF ASSOCIATION, ACADEMIC AND LABOR RIGHTS IN THE UNIVERSITY SECTOR IN VENEZUELA, August 25, 2021.

²³⁶¹ Human Rights Observatory of the Universidad de los Andes Venezuela (ODHULA). Monthly report: situation of universities in Venezuela, May, 2021

²³⁶² Ibid

1618. In this context, which in itself was already of great concern to the IACHR and its REDESCA, in March 2021 there were new attacks on academic freedom and university autonomy in the country. The above, through an announcement by the Office of Planning of the University Sector (OPUS) indicating the payment of payrolls of teachers and staff of public universities through the Patria System, which, being directly associated with political factors, could become a tool of social control through which reprisals and measures are taken against teachers and university staff for political reasons. This decision would have materialized with the consequent payment that would have been made to part of the faculty through direct deposits from the Central Bank of Venezuela in mid-March, which in addition to undermining the budgetary autonomy of public universities, would have exacerbated the precarious economic situation of university staff.²³⁶³
1619. Thus, despite the right to a living wage, the REDESCA received information that the payments paid are considerably lower than the low salaries already received by the teaching staff, which would continue to expose them to a situation of economic vulnerability. Thus, according to the salary tables published on March 6, 2021, the remuneration of university workers was approximately between \$0.70 USD and \$3.50 USD per month, the latter for university professors of the highest rank Holder to Exclusive Dedication. This is despite the fact that, as of January 2021, the basic food basket had an approximate value of USD 225.69.²³⁶⁴²³⁶⁵
1620. This information would be in line with various complaints that the REDESCA has received from civil society, in which it is stated that, as in other sectors -such as health- the teaching staff receive precarious salaries that prevent them from living a decent life. Thus, from a meeting with civil society held in April 2021, the Office of the Special Rapporteur was informed about how the teaching profession would be exercised without resources, since the faculty does not have purchasing power. In that meeting it was specified that a teacher 6 (higher category with postgraduate) would not have a salary of even 5 dollars per month, while the average salary would be between 1 and 3 dollars per month. This with severe impacts on the guarantee of other rights, such as food, health, among others. They even received complaints that their social security would not be guaranteed and that, in the context of the health emergency, some teachers and / or their relatives and relatives have been forced to ask for money to meet emergency and funeral expenses.²³⁶⁶²³⁶⁷
1621. This situation would have the aggravating factor that, in the context of the pandemic and consequent closure of schools, teachers would have been pressured to return to face-to-face classes, under penalty of being replaced by young members of the Chamba Youth Plan. It should be noted that this requirement would have been made to them, although they would not have received effective prioritization for access to vaccines in the country, nor access to adequate

²³⁶³ Aula Abierta. Academic freedom and university autonomy in higher education in Venezuela. Preliminary report. Venezuela, 2021.

²³⁶⁴ [Human Rights Observatory of the University of Los Andes of Venezuela. Employment situation of university students in Venezuela. ODH-UCLA, April 2021](#)

²³⁶⁵ Ibid

²³⁶⁶ Venezuelan Observatory of Social Conflict. [Protests in Venezuela 1st quarter 2020 vs. 2021](#), April 22, 2021

²³⁶⁷ REDESCA, Meeting with alliance for the defense of labor rights, April 13, 2021

facilities – among others, due to the lack of electricity and water that some schools would have.
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1622. Taking into account these conditions, and that according to the standards of the inter-American human rights system, the right to strike, together with freedom of association and collective bargaining, are fundamental pillars to guarantee the right to work and its fair and equitable conditions, the REDESCA takes note of how the Federation of Associations of University Professors of Venezuela (FAPUV) and the associations of university professors of the main universities Public works have not been taken into account – and in fact, excluded – in the discussion of collective agreements and other discussion scenarios related to their labor rights, which would be the result of their critical opinions against State policies as a mechanism of retaliation. As a result of this exclusion, at the end of July 2021 the IV Single Collective Agreement of the University Sector was unilaterally signed, which in addition to lacking vices for preventing their participation – despite the fact that various organizations had expressed their categorical rejection – would have clauses that threaten the welfare of teaching staff and their labor rights – such as the right to receive a living wage-, as well as others that would imply ideologization and indoctrination in university education.²³⁷⁰²³⁷¹

1623. In addition to the above and the economic crisis that Venezuela is going through, universities would continue to face a budgetary suffocation, which has resulted in damages to student services (such as food, transport and access to libraries), effects on educational quality, an increase in student desertion and the emigration of teachers and members of the academic community. By 2021, it is reported that the situation has been worsening in recent years and that there are universities that would face more than a 99% deficit with respect to their allocations.²³⁷²

1624. The REDESCA observes that in addition to this type of situation, civil society organizations have denounced that since 2010 the Judiciary has issued more than 50 decisions suspending student elections or ignoring their results, forcing universities to comply with arbitrary appointments, and even legislating on procedures for the election of the university government. Against this background, the REDESCA makes an urgent call to adopt measures aimed at guaranteeing academic freedom and university autonomy, including the allocation of the appropriate budget for the operation of university institutions, without undue interference and guaranteeing that payroll payments of public university personnel are made through an independent and impartial system that protects academic freedom. In the same vein, urgent

²³⁶⁸ Venezuelan Observatory of Social Conflict. Protests in Venezuela 1st quarter 2020 vs. 2021, April 22, 2021

²³⁶⁹ REDESCA, IV ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON ECONOMIC AND SOCIAL RIGHTS.

CULTURAL AND ENVIRONMENTAL (REDESCR) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, OAS/SER. L/V/II, 30 March 2021, para. 1097

²³⁷⁰ Aula Abierta, EXECUTIVE SUMMARY: IV SINGLE COLLECTIVE AGREEMENT OF THE UNIVERSITY SECTOR: VIOLATIONS OF FREEDOM OF ASSOCIATION, ACADEMIC AND LABOR RIGHTS IN THE UNIVERSITY SECTOR IN VENEZUELA, August 25, 2021.

²³⁷¹ Ibid

²³⁷² Aula Abierta. Academic freedom and university autonomy in higher education in Venezuela. Preliminary report. Venezuela, 2021.

measures are required to ensure respect for the labor rights of faculty, including the dignification of their work and salaries.²³⁷³²³⁷⁴

F. Human Mobility and ESCER

1625. Finally, with regard to human mobility and the impacts on its ESCER, the Office of the Special Rapporteur observes that, in the Venezuelan case, the generalized deprivation of these rights is at the center of the motivations for emigrating from the country, as well as in the transit and destination of the majority of people in a condition of human mobility. These challenges, together with other factors, have led to a complex, serious and multidimensional humanitarian crisis, which would be a factor of displacement, which subjects people in a condition of human mobility to a precarious situation that raises their level of risk. In this regard, as was observed during the visit to the country, this humanitarian crisis has among its main characteristics the convergent incidence of economic, social and institutional factors; including the contraction of the economy with hyperinflation; frequent disruption of utilities such as electricity, drinking water, sewerage and gas; the accelerated deterioration of health services; a serious food insecurity crisis; shortages of medicines, especially for chronic diseases; insecurity; political instability and persecution; among others.²³⁷⁵

1626. For its part, in relation to Venezuelans who have emigrated, the REDESCA observes with concern the obstacles they would have for their effective incorporation, and consequently, for the guarantee of their rights. In this sense, as previously indicated, in the countries to which Venezuelans are arriving, there are multiple challenges, among which are: the absence of mechanisms for their international protection, physical security, sexual and gender violence, abuse and exploitation, as well as the lack of access to basic rights and services, which is made worse by the lack of documentation. Such a situation would have disproportionate and differentiated effects on women, children, and adolescents, the elderly; among other groups in situations of vulnerability or historical exclusion.²³⁷⁶

1627. In turn, this would have been worsened by the COVID-19 pandemic, which would have slowed down the socio-economic incorporation of thousands of people. Thus, based on a study by the International Organization for Migration on the socioeconomic progression of refugees and migrants from Venezuela in Brazil, Chile, Colombia, Ecuador and Peru -in which more than 70% of the 5.6 million people who left the country since 2015 would have been received-, it was determined that, since the beginning of the pandemic, the income of Venezuelans in Colombia, Ecuador and Peru decreased by more than 50%. On the other hand, in the five countries high unemployment rates were observed for the Venezuelan migrant population, and that in the case

²³⁷³ IACHR, Press Release No. 192, [The IACHR and its Special Rapporteurships Express Concern over the Situation of University Autonomy and Academic Freedom in Venezuela](#), 26 July 2021

²³⁷⁴ IACHR, Press Release No. 192, [The IACHR and its Special Rapporteurships Express Concern over the Situation of University Autonomy and Academic Freedom in Venezuela](#), 26 July 2021

²³⁷⁵ IACHR, Press Release No. 106/2020, [IACHR Presents Its Preliminary Observations and Recommendations Following Historic On-Site Visit to Venezuela to Monitor Human Rights Situation](#), May 8, 2020

²³⁷⁶ IACHR, [Situation of human rights in Venezuela](#), Doc. 209, 31 December 2017, Para. 468

of people who work, they would do so for more hours and for less money than colleagues from the receiving countries.²³⁷⁷²³⁷⁸

1628. This situation would be related to the fact that, despite the existence of some regularization programs, 40% of Venezuelans in these countries -except Brazil- did not have regular status during the periods of the study.²³⁷⁹ Likewise, only 10% of these people in Chile, Colombia and Peru reported that their educational and professional credentials had been recognized.²³⁸⁰ For this reason, the REDESCA joins the call to implement long-term integration policies, which allow their real incorporation into the target societies. In the same vein, the call to States to include populations in a situation of human mobility in the policies and actions of economic recovery that are necessary at all times of the crisis generated by the pandemic is reiterated.²³⁸¹

1629. In this context of vulnerability, the REDESCA takes note of the flow of Venezuelans who have voluntarily returned or want to return to Venezuela, and particularly, how in this process they have experienced serious challenges to the guarantee of their human rights. The above, considering that they have faced the militarization of borders in several Countries of South America, intermittent closures of regular border crossings in several countries of the region – subjecting them to the risk of using irregular roads or trails that make them vulnerable to illegal armed groups – as well as quarantine and isolation measures in unsanitary places.²³⁸² This coupled, in some cases, with stigmatizing messages and attacks. In this regard, the IACHR's call to guarantee the human rights of these people is reiterated and it is emphasized again that the COVID-19 pandemic cannot give rise to any type of discrimination against Venezuelans because of their nationality, migratory status or socioeconomic situation.²³⁸³ In fact, given the humanitarian crisis in the country, the situation of Venezuelans migrating should be considered as forced displacement, meriting the highest levels of protection.²³⁸⁴

²³⁷⁷ UN News, [Host countries must start designing the long-term integration of Venezuelans](#), 29 July 2021

²³⁷⁸ Ibid

²³⁷⁹ Ibid

²³⁸⁰ IOM & MPI, [Socioeconomic Integration of Venezuelan Migrants and Refugees: The Cases of Brazil, Chile, Colombia, Ecuador, and Peru](#), 29 July 2021

²³⁸¹ Press Release No. 309/2020, [IACHR Reiterates its Call to States to Guarantee the Human Rights of Venezuelans Returning to Venezuela in the Context of the COVID-19 Pandemic](#)

²³⁸² DW [Ecuadorian Army Reinforces Border to Curb Venezuelan Migration](#), 2 February 2021;

²³⁸³ IACHR, Press Release No. 112/2020, [IACHR Calls on States to Guarantee rights of Venezuelans Returning to Venezuela in the Face of the COVID-19 Pandemic](#), May 16, 2020; IACHR, Press Release No. 309/2020, [IACHR Reiterates its Call to States to Guarantee the Human Rights of Venezuelans Returning to Venezuela in the Context of the COVID-19 Pandemic](#), December 22, 2020

²³⁸⁴ Ibid

CHAPTER III: TRENDS ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS IN THE LIGHT OF THE 2021 REPORT OF THE REDESCA

1630. The Inter-American Human Rights System ("Inter-American System" or "IAHRS") has made significant progress in the recognition and institutionalization of ESCER in the Americas. In this sense, it is extremely important that both the OAS Charter and the American Declaration contain provisions that involve obligations in ESCER matters for member states. Another major watershed in this area is Article 26 of the American Convention on Human Rights ("Convention" or "American Convention"), relating to the Progressive Development of ESCR, as well as the subsequent adoption of the Protocol of San Salvador.
1631. With regard to institutionalization, it is worth noting within the IACHR the implementation of its specialized mandate: the REDESCA; the second Office of the Special Rapporteur, created by the Commission in its entire history, which constitutes the IACHR's greatest commitment to carry out its hemispheric mandate for the promotion and protection of human rights in accordance with the principles of indivisibility and interdependence of all the human rights of all persons living in the Americas. Another exponent is the Working Group of the Protocol of San Salvador of the OAS, from which the Special Rapporteur was elected in October 2021 -with a duration of one year-. It should be noted that, since November 2017 and after her appointment as Special Rapporteur, the Rapporteur has been part of the group as an expert on behalf of the IACHR.
1632. In light of the follow-up carried out during the year on the status of the issues on the strategic agenda of the REDESCA in the 35 OAS member states and the work carried out by the mandate in relation to all the working mechanisms of the IACHR (case system, monitoring, promotion, and technical assistance), as well as enriched by the tasks carried out as a member of the Working Group of the Protocol of San Salvador, this chapter gives an account of the main trends and challenges identified at the regional level.
1633. Although the pandemic has had a broad and general impact during 2021 on the population of the Americas, the REDESCA has paid special attention to groups that, due to issues of historical, structural discrimination or previous inequalities, are in a position of additional vulnerability to the rest of social groups and whose violated rights are intimately linked to the purposes of their mandate. In this sense, the priority groups identified to which special attention has been given are: [1] people in situations of poverty and extreme poverty; [2] people on the streets or living in informal settlements; [3] informal workers; [4] workers in essential sectors; [5] peasant populations; and [6] persons in a condition of human mobility due to causes or consequences related to ESCER.
1634. However, the REDESCA recognizes the special impact that the pandemic has had on other groups such as persons deprived of liberty, women, people of African descent or indigenous persons, children and adolescents, among others, whose situation the IACHR follows up specifically through its Rapporteurships. In particular, the constant and transversal attention of the REDESCA in all its projects and activities to the gender and women's rights perspective is highlighted, considering that the historical economic inequality of women from all social groups, such as the lack of enjoyment of their sexual and reproductive rights, are causes and consequences

underlying the patterns of violence and discrimination based on their gender that women face, being economic empowerment and ESCER an essential tool to effectively combat the different types of violence and discrimination against women.

1635. Taking into account this panorama, the REDESCA summarizes the main trends and challenges for the guarantee of ESCERs in relation to three of the strategic lines of action of the mandate, namely: i) Right to Health and its social determinants: Pandemic and food crisis; (ii) Climate emergency and Human Right to Water and (iii) Human Mobility and ESCER.

G. Right to Health and its social determinants: Pandemic and food crisis

1636. The REDESCA observes with concern how the pandemic produced by COVID-19 has had a differential and disproportionate impact in the Americas, although with a greater weight on low- and middle-income countries, as well as groups in conditions of vulnerability and/or historical exclusion.

1637. ²³⁸⁵Overall, at the beginning of December 2021, the REDESCA notes that, although the region only represents 8.4% of the population worldwide, Latin America and the Caribbean account for approximately 30% of deaths worldwide (with 1,544,120 people killed out of 5,253,726). ²³⁸⁶It should be noted that, in broader comparative terms and at the end of 2021, the Americas account for more than a third of all COVID-19 infections worldwide and one in four people who die from the virus.²³⁸⁷ Likewise, the REDESCA notes with deep concern that, according to PAHO, the regional records on the pandemic are worse when compared to 2020, since during this year the number of cases would have tripled, with a total of more than 98 million cases and 2.3 million deaths.²³⁸⁸

1638. In addition to deeply regretting these losses and expressing its solidarity for the serious impacts that the COVID-19 pandemic has generated on all people, the Office of the Special Rapporteur on ESCER follows this scenario with special attention and concern, since there are crucial challenges to address for the guarantee of human rights and ESCER, particularly on three main issues: (i) the presence of dangerous variants with higher viral load and transmission capacity -such as Ómicron, Delta or P1 of the coronavirus-, coupled with the lack of equitable and universal access to vaccines against COVID-19 -in a context of serious challenges for their acquisition by countries with lower incomes, as well as high levels of public skepticism towards the same-, (ii) significant setbacks in the guarantee of ESCERs, such as food, housing, drinking water, social security, work, education, among others, due to the effects on the right to health and the socioeconomic consequences of the pandemic, and (iii) greater poverty, inequality and hunger on the population, with a disproportionate impact on groups in vulnerable situations, such as:

²³⁸⁵ IACHR, Press Release No. 282, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

²³⁸⁶ France24, [Global assessment of the COVID-19 pandemic](#), December 6, 2021

²³⁸⁷ United Nations [Latin America cannot lag behind "promising new" COVID-19 drugs](#), 15 December 2021

²³⁸⁸ OPS, [In the Region of the Americas, the number of COVID-19 cases tripled in 2021, but millions of people are protected thanks to the vaccine](#), 15 December 2021

people in conditions of poverty and extreme poverty, people in conditions of human mobility, women, people in street situations, indigenous peoples, informal workers, people with disabilities, people deprived of liberty, people of African descent, peasant population, children and adolescents, among others.²³⁸⁹

1639. The REDESCA underlines the maximum tension experienced by the right to health in the context of the pandemic and endorses the conclusions of the study that it has helped to elaborate together with FLACSO and GIZ in that it is a priority "to move towards the transformation of the development model, as well as the guidelines and principles that inspire the action of States and international organizations in the field of the right to health. It would be a question in the first place of complicating the conception of the right to health, thus freeing it from a reductionist vision, predominantly focused on the dimension of access and care to disease, to health services, and focused on clinical, biomedical and pharmacological aspects, to bring it to a more integrative conception that brings to the surface the determination of the deep structures of our ways of life, work, reproduce, etc. In this integration, then, the problem of care should be considered, which, as the study has shown, has been increased and burdened on women, pointing out that the "right to care" must be addressed, that is, the right to receive care at the different stages of the life cycle, as well as the right to care in conditions of dignity and social protection, ensuring that the caregiver can continue to exercise their social rights when performing care work (Ferreyra, 2018)." 2390

1640. It also coincides with this study that this integrative aspiration "implies reinforcing the strategy of "One health" (One health) that since the 2000s the World Health Organization (WHO) works together with the Food and Agriculture Organization of the United Nations (FAO) and the World Organization for Animal Health (OIE) to highlight that human and animal health are interdependent and are linked to the ecosystems in which they coexist". 2391

1641. In relation to equitable and universal access to COVID-19 vaccines, as expressed by the IACHR and the REDESCA, the immunization process in the region showed serious disparities, in which, as an example, as of July, while in some North American countries the proportion of the population with a complete vaccination schedule was approximately 49.3%, in Latin America and the Caribbean the rate was 16.8% (with South America with 17.2%, Central America with only 7.4% and the Caribbean with 10%), with some countries in which not even 1% of inoculation had been reached. ²³⁹²While access has been improving, it is noteworthy that, as of December 15, 2021, only 56% of people in Latin America and the Caribbean would be fully immunized.²³⁹³

²³⁸⁹ IACHR, Press Release No. 282, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

²³⁹⁰ FLACSO, REDESCA and GIZ, "The COVID19 pandemic: The right to health in tension. An exploratory qualitative study in Chile, Colombia, Costa Rica and Mexico, 2021, p.191.

²³⁹¹ Ibid.

²³⁹² IACHR, Press Release No. 282, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

²³⁹³ OPS, [In the Region of the Americas, the number of COVID-19 cases tripled in 2021, but millions of people are protected thanks to the vaccine](#), 15 December 2021

1642. In the same thread of the above, it is noted that as variants emerge that threaten the advances against the COVID-19 pandemic, calls for booster doses are becoming more frequent. In this regard, the Office of the Special Rapporteur on ESCER notes that, in terms of the booster dose, the WHO said in October 2021 that people with weakened immune systems would need an additional injection of the COVID-19 vaccine. However, he did not recommend an additional dose for the general population, calling for a moratorium until the end of the year, when more people in the world would receive a first vaccine.²³⁹⁴
1643. This call would be in line with that of the IACHR and the REDESCA, in which it was established that the announcements and plans to provide booster doses against COVID-19 by some States are worrying, of which, only in October, there were already almost a third of the countries of the Americas initiating the application of booster doses. This is while in most countries in the region a large proportion of people still do not even receive the first dose – including, in some cases, health personnel and prioritized groups, such as the elderly or those living with pre-existing diseases.²³⁹⁵In this sense, and given the recent appearance of the Ómicron variant, the REDESCA shares the opinion of the Director-General of the WHO, who indicated that "generalized reinforcement programs are likely to prolong the pandemic, instead of ending it, by diverting supply to countries that already have high levels of vaccination coverage, which gives the virus more opportunities to spread and mutate."²³⁹⁶
1644. In the same vein of the above, it is concerned that, although in October the IACHR and the REDESCA urged greater international support to countries such as: Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Haiti, Guatemala, and Nicaragua – due to the challenges they were facing to make significant progress in the vaccination process, as they had not reached the coverage of even 20% of their population - in mid-November, the only country that had left that list was Saint Lucia. Still, it is projected that, by the end of the year, Haiti, Jamaica, Saint Vincent and the Grenadines, Guatemala, Saint Lucia and Grenada would not reach the goal of vaccinating 40% of their eligible population by the end of 2021. This is despite the fact that WHO/PAHO has warned of the increase in the number²³⁹⁷²³⁹⁸²³⁹⁹²⁴⁰⁰of cases due to the relaxation of public health measures in several countries in the region. In this context, the mandate sees with concern that the measures have not been guided by international solidarity and that those who issue them do

²³⁹⁴ WHO, [WHO Director-General's opening remarks at the media briefing on COVID-19 - 8 September 2021](#), 8 September 2021

²³⁹⁵ IACHR, Press Release No. 282, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

²³⁹⁶ UN Noticias, [Widespread boosters of covid-19 vaccine may prolong the pandemic. WHO warns](#), December 22, 2021

²³⁹⁷ IACHR, Press Release No. 282, [The IACHR and the REDESCA express their concern over the lack of universal and equitable access to COVID-19 vaccines in the Americas, calling for regional solidarity with lower-income countries](#), 25 October 2021

²³⁹⁸ PAHO, [Weekly press conference on COVID-19: Opening remarks by the Director, 17 November 2021](#), November 17, 2021

²³⁹⁹ PAHO, [The Region of the Americas exceeds 100 million cases of COVID-19](#), December 22, 2021

²⁴⁰⁰ Paho, [PAHO calls for caution in the face of the increase in the number of COVID-19 cases in the Region of the Americas](#), November 24, 2021

not seem to understand that an isolationist perspective in which only the population of their own countries is protected will only continue to perpetuate the health emergency at the global and regional levels.

1645. In turn, the REDESCA has taken note of how the prolongation of the health emergency has brought with it serious difficulties for economic recovery and has threatened progress in welfare. Thus, according to the OECD, despite the considerable improvements in well-being between 2010 and 2019 – including poverty reduction, greater access to drinking water and the internet, increased life expectancy, reduction in the mortality rate of children under five and mothers during pregnancy – the pandemic would have aggravated the situation of pre-existing vulnerability, which resulted in a drastic increase in unemployment and poverty.²⁴⁰¹ In this context, ECLAC has warned that, by the end of 2021, there would be an estimated 200 million poor people and 78 million people in extreme poverty.²⁴⁰² Although this figure is of great concern, without detriment to it, the REDESCA notes that it has been highlighted that, if it had not been for the efforts of some countries to weigh households against confinement policies, to date we would be talking about 230 million people in poverty and 98 million in extreme poverty - 30 million and 20 million more people, respectively.²⁴⁰³

1646. Even so, and highlighting the importance of these measures, the REDESCA reiterates that the adoption of structural reforms that manage to break the cycle of poverty and inequality in the region, under a human rights approach, is paramount. To this end, the implementation of fair and redistributive fiscal policies is inescapable. In this regard, the Office of the Special Rapporteur welcomes and welcomes the adoption of the Principles and Guidelines on Human Rights in Fiscal Policy, in the elaboration process of which it has participated with the IACHR.²⁴⁰⁴ The REDESCA endorses these Principles and Guidelines, highlighting their usefulness for the effective guarantee of ESCER in the region and calling on the OAS States to carefully consider and implement them.

1647. It should be noted that, as has been previously expressed, poverty translates into a widespread violation of all human rights, so there is no way to provide an effective guarantee to ESCERs without combating this problem efficiently. Likewise, in the current context, it is highlighted that, if universal and equitable access to vaccines is not ensured for all the countries of the region, any effort in this area will be reduced.²⁴⁰⁵

²⁴⁰¹ OECD [The data point to a further weakening of well-being in Latin America as a result of the pandemic](#), October 28, 2021; Swissinfo, [OECD: Covid threatens progress in well-being in Latin America](#), October 28, 2021; OECD [New OECD report, COVID 19 and well-being: life in the pandemic](#), November 29, 2021

²⁴⁰² ECLAC, [Alicia Bárcena called for greater international solidarity to complete vaccination and access financing for post-pandemic recovery](#), December 2, 2021

²⁴⁰³ ECLAC, [Alicia Bárcena called for greater international solidarity to complete vaccination and access financing for post-pandemic recovery](#), December 2, 2021

²⁴⁰⁴

²⁴⁰⁵ IACHR, [Poverty and Human Rights Report](#), 2017, para. 91

1648. ²⁴⁰⁶Finally, the Office of the Special Rapporteur has been observing the worsening of the situation of hunger and food insecurity that has been reported at the regional level, with a constant increase in the search for citizen solutions, such as communal pots, and a demand for attention from the States. In this sense, it is noted with extreme concern that hunger in Latin America and the Caribbean would be at its highest point since 2000, since in just one year – between 2019 and 2020 – the number of people who would live with hunger would have increased by 13.8 million, reaching 59.7 million. Likewise, four out of ten people – for a total of 267 million people – would have experienced moderate or severe food insecurity by the last year, according to a report by the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development, the Pan American Health Organization (PAHO), the World Food Programme and the United Nations Children's Fund (UNICEF). For this reason, the REDESCA makes an emphatic and urgent call to take as a priority all the necessary measures to guarantee the food security of the entire population of the Americas under a differential, intersectional and intercultural approach.

H. Climate Emergency and Human Right to Water

1649. In relation to the climate emergency, the REDESCA has been constantly monitoring the impact of the different climatic events during 2021 on the enjoyment and effective enjoyment of human rights at this time. Thus, it has noted the increase and, in the intensity, and frequency of these climatic occurrences throughout the region expressing its concern in various pronouncements highlighting the impacts that climate change will have in the coming years in the region, taking into account especially what was expressed by the report of the intergovernmental panel on climate change (IPCC).

1650. The IPCC report shows that the time to reduce greenhouse gas emissions to levels considered safe under pre-industrial standards, that is, not to exceed 1.5° Celsius, is increasingly being cut. The impacts of climate change are being felt in the region and may be exacerbated in the coming years, as determined in the report of the scientific advisory group determined that for North and Central America the climatic occurrences related to storms and the rescission of coastlines will increase exponentially.^{2407,2408}

1651. Similarly, the World Meteorological Organization (WMO), published a recent report on the state of the climate in Latin America and the Caribbean, in which it noted that 2020 was among the 3 years of highest temperature in Central America, and the second hottest for South America. According to the study, temperatures rose 1° in Central America, 0.8°C in the Caribbean and 0.6°C in South America.²⁴⁰⁹

1652. Additionally, there is a loss in rainfall in Mexico and many Central American countries including Panama, Guatemala, Belize and Nicaragua. Likewise, the REDESCA notes that 27% of the

²⁴⁰⁶ FAO, FIDA, OPS, WFP y UNICEF, [Latin America and the Caribbean - Regional Overview of Food and Nutrition Security 2021: Statistics and Trends](#). Santiago de Chile, FAO, 2021; UNICEF, [New UN report: Hunger in Latin America and the Caribbean increased by 13.8 million people in just one year](#), December 1, 2021

²⁴⁰⁷ IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change

²⁴⁰⁸ IPCC, 2021, [Regional Fact Sheets](#)

²⁴⁰⁹ World Meteorological Organization, [State of Climate in Latin America and the Caribbean](#), August 1, 2021

- population in this region live in coastal areas, of which between 6-8% live in so-called high-risk areas. This is especially important, since from 1993 to the present day a constant rise in sea level has been detected at 3.69 millimeters per year for the Atlantic coasts, and at 2.63 millimeters on the Pacific coasts. According to the study, the most affected areas are the Caribbean and the countries of Central America.²⁴¹⁰
1653. In this regard, the REDESCA takes careful note that such physical changes in the biosphere will impact several ecological cycles, affecting essential aspects for human subsistence such as crop harvest cycles, mobilizing and transiting freely and finally access to quality drinking water and sanitation. The various rates of rainfall change, together with the radical changes in the dry seasons, give way to people having increasingly difficult access to water, unless there is decisive intervention by the State.
1654. In this sense, from the REDESCA there is a special interest in the situation of the countries that are in the Caribbean due to their double situation of vulnerability to the impacts of climate change, since it is the Caribbean countries that contribute the least with the emission of greenhouse gases, but they would also be those that are most affected by climate change. In short, the very survival and existence of these States is at imminent risk due to the impacts of this phenomenon, in all its dimensions and on its entire population.²⁴¹¹
1655. For its part, Central America is also one of special interest and follow-up for REDESCA, given that the circumstances associated with the lack of economic opportunities, systematic inequality, the increase in poverty and even factors such as the constant appearance of droughts and the lack of access to adequate food jeopardize the very survival of the most vulnerable populations.²⁴¹² It should be remembered that the mandate expressed its concern about the impacts of storms ETA and IOTA, and this year it was also expressed regarding the impacts of the storms in Sololá in Guatemala, the prolonged impacts of the storms on the Caribbean Coast of Nicaragua and the lasting impacts on what has been called the dry corridor of Central America.²⁴¹³²⁴¹⁴²⁴¹⁵²⁴¹⁶
1656. In this regard, the Office of the Special Rapporteur has observed climate change and environmental degradation are particularly serious for those populations that are in a situation of special vulnerability or historical discrimination; those that, on the other hand, contribute very

²⁴¹⁰ Ibid

²⁴¹¹ Interamerican Development Bank, [Climate Change is a Threat to Economic Growth and to Reducing Income Inequality in Latin America and the Caribbean](#), May 11, 2020

²⁴¹² For more detailed information see A. Bárcena et al, The emergency of climate change in Latin America and the Cariba: are we still waiting for the catastrophe or do we take action?, ECLAC, No. 160, 2020

²⁴¹³ IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on states and the international community to address the situation of those affected](#), November 17, 2021

²⁴¹⁴ IACHR, Social Media Pronouncement

²⁴¹⁵ IACHR, Hearing: Impact of Colonization on Indigenous Territories of the Atlantic Coast in Nicaragua, 179th Regular Period of Sessions, March 18, 2021

²⁴¹⁶ A. Bárcena et al, The emergence of climate change in Latin America and Cariba: are we still waiting for the catastrophe or do we take action?, ECLAC, No. 160, 2020, pag. 107-109, 125

marginally to greenhouse gas emissions, such as women, children and adolescents, indigenous peoples, people of African descent and people living in rural areas or living in poverty.²⁴¹⁷

1657. In this vein, for the Office of the Special Rapporteur, climate change poses a real human rights emergency, which requires that the principles and standards that govern International and Inter-American Human Rights Law vis a vis those of International Environmental Law guide all the solutions, policies, and actions that arise in this area. Hence, the REDESCA highlights the speeches of various leaders of the region in the framework of COP26 in which the implementation of just and lasting solutions to limit GHGs was called, within the framework of a just transition that takes into account the principle of common but differentiated responsibilities.²⁴¹⁸

1658. In this regard, the Office of the Special Rapporteur highlights the speech of the Prime Minister of Barbados, Mia Amor Mottley, who, within the framework of the high-level segment of COP26, pointed out in her speech the need to close the existing gaps regarding mitigation, climate finance, and adaptation. In his speech, he stressed the need to seek forceful solutions at this time, since world institutions are at a crossroads, similar to that experienced by the United Nations in 1945.²⁴¹⁹

1659. Considering the above, although the commitments resulting from COP 26 (such as the Glasgow Climate Pact²⁴²⁰ or the Regulation for the implementation of the Paris Agreement),²⁴²¹ are great advances for the generation of public policies in the matter, it is no less true that there is still a long way to go to reduce the required emissions gap. In this regard, civil society organizations have pointed out that the summit did not meet expectations, since, given the current context of urgency, it was imperative to reach concrete commitments to fight the climate emergency. This also includes a rapid phase-out of all fossil fuels through a just energy transition and the revision of national climate targets in line with the 1.5°C target.²⁴²²

1660. Consequently, the REDESCA, together with the Commission, encourages OAS member states, in line with the obligations assumed within the inter-American system, to place human rights and the adverse impact that climate change has on their enjoyment at the center of their climate negotiations and decisions. especially of people and groups that are in a situation of greater vulnerability.

1661. In this regard, the REDESCA notes that in the framework of the implementation of projects presented as "green" or transitional projects; have led to violations of the rights of communities,

²⁴¹⁷ CIDH, In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and the REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions, November 4, 2021

²⁴¹⁸ Conference of the Parties to the United Nations Framework Convention on Climate Change held in November 2021 in the city of Glasgow in Scotland.

²⁴¹⁹ Speech by Prime Minister Mia Amor Mottley, available at: <https://jamaicans.com/powerful-speech-on-rising-sea-levels-by-prime-minister-of-barbados-mia-mottley-was-a-breakout-moment-at-cop26/>

²⁴²⁰ Available in: https://unfccc.int/sites/default/files/resource/cop26_auv_2f_cover_decision.pdf

²⁴²¹ Available in: <https://unfccc.int/process-and-meetings/conferences/glasgow-climate-change-conference-october-november-2021/outcomes-of-the-glasgow-climate-change-conference>

²⁴²² CAN, COP26: RICH NATIONS BETRAY VULNERABLE PEOPLE OF THE WORLD, November 13, 2021

by carrying them out without consultation processes or guaranteeing mechanisms for access to justice. Similarly, there is also knowledge of clean or renewable energy projects that may entail the same circle of imposition on communities without consultation processes or with the participation of the community impacted by the project.

1662. Considering the above, for the REDESCA it has been important to have all the relevant information from States and civil society, to document the impacts already registered on the rights of individuals. In this context, part of the documentation work is entrusted to the people who exercise the defense of land, territory and nature. In that sense, the REDESCA regrets that this year the region has also been relieved as the most dangerous to exercise the defense of environmental rights in the world. In this regard, the REDESCA and the Commission, by means of a statement, welcomed the entry into force of the Escazú Agreement.

1663. In this context, the REDESCA reiterates that the Escazú Agreement reinforces principles and obligations established in inter-American regulations and jurisprudence on the right to a healthy environment, emphasizing the need to guarantee the so-called "access rights" to ensure their validity, such as the effective protection of the right of individuals to defend the environment. In this regard, it calls on the States of Latin America and the Caribbean that have not yet done so to ratify or accede to this important treaty, which contributes so much to consolidating the recognition and effective protection of environmental rights in the region.²⁴²³

1664. Finally, the REDESCA highlights its interest in the climate disputes that are taking place in the continent, which will not only make this issue visible in the context of national jurisdictions, but also enable the Inter-American System to take into account the national jurisprudence on the subject and, if necessary, receive petitions that allow it to develop its standards in the field in the light of the inter-American normative framework on human rights.

I. Human mobility and ESCER

1665. The growth trends of intraregional migratory flows indicated in the REDESCA Annual Report of 2019 and 2020 are maintained for this year of 2021. The REDESCA continues to observe that human mobility in the region is deeply marked by the lack of access to and enjoyment of ESCER, both in situations of internal forced displacement and border crossing, and both in the factors that cause it in the countries or territories of origin, as well as in those of transit and destination.

1666. The REDESCA notes that, according to the International Organization for Migration (IOM), migration occurs in the Latin American and Caribbean region due to income asymmetries, lack of employment and opportunities, limited access to basic services, social violence, political conflicts, disasters and environmental degradation, as well as the adverse effects of climate change and

²⁴²³ IACHR, On Earth Day, IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency, April 22, 2021

- changes in legislative measures and immigration policies in destinations such as North America and Europe.²⁴²⁴
1667. Likewise, the REDESCA has followed with special attention and concern the health situation of people in human mobility. According to the Pan American Health²⁴²⁵ Organization, refugees and migrants are at a higher risk of contracting diseases, including COVID-19, because they generally live in overcrowded conditions or without access to basic sanitation. In addition, in an effort to curb the spread of the COVID-19 pandemic, countries have closed borders and established travel restrictions, affecting refugees and migrants. In addition, the health care systems of the States of the Americas face challenges in meeting the health needs of migrants, mainly due to limited financial resources, lack of personnel and infrastructure, and legislative constraints.²⁴²⁶
1668. In this context, the Office of the Special Rapporteur notes that these are reasons that increase the vulnerability of migrants, in particular undocumented or irregular persons, poverty, overcrowded and unsanitary housing conditions, discrimination and lack of access to health services and social protection rights, lack of drinking water and sanitation, digital exclusion, language and cultural barriers and unsafe working conditions.²⁴²⁷
1669. On the other hand, the Office of the Rapporteur notes with concern that, according to the Special Rapporteur on the rights of migrants, socioeconomic insecurity related to COVID-19, such as job loss, reduced income, lack of access to health services, fear of deportation, and discrimination, have affected the mental health and psychosocial conditions of migrants. In addition, fake news and hate speech that portrays migrant workers as if they are competing against members of the local community for vaccines or jobs in times of crisis are reprehensible.²⁴²⁸²⁴²⁹
1670. In this regard, the REDESCA recalls that, according to Resolution No. 1/2021 of the IACHR, the various groups in a special situation of vulnerability, such as people in situations of internal and international human mobility, face differentiated impacts derived from structural problems of exclusion and discrimination, which is reflected in greater challenges in access to health – aggravated in the context of the pandemic. States should therefore adopt measures that respond to differentiated approaches that consider factors of discrimination. States in the region must therefore ensure that information and campaigns carried out in relation to vaccines ensure that xenophobia, stigmatization and other forms of discourse that promote hatred, violence or the

²⁴²⁴ OIM, Large movements of highly vulnerable migrants in the Americas from the Caribbean, Latin America and other regions, October 2021

²⁴²⁵ OPS/OMS, 4. Migration: a human rights-based approach (Série human rights and health), 2021

²⁴²⁶ OPS/OMS, 4. Migration: a human rights-based approach (Série human rights and health), 2021

²⁴²⁷ OPS/OMS, 4. Migration: a human rights-based approach (Série human rights and health), 2021

²⁴²⁸ UN Report of the Special Rapporteur on the human rights of migrants. A year and a half later: the impact of COVID-19 on the human rights of migrants, July 30, 2021

²⁴²⁹ UN Report of the Special Rapporteur on the human rights of migrants. A year and a half later: the impact of COVID-19 on the human rights of migrants, July 30, 2021

blaming of individuals, groups and populations of migrants, refugees, stateless persons or other contexts of human mobility are actively prevented.²⁴³⁰

1671. On the other hand, the Office of the Special Rapporteur observes with concern the situation of the right to work of migrants who often perform temporary and informal jobs exposed to unfair, irregular, and unsafe working conditions, which are aggravated due to the fear of dismissals, the need for income, as well as after the restrictions related to COVID-19. In particular, many migrants suffered large-scale layoffs or loss of wages and other income or were victims of differential treatment with respect to domestic workers.²⁴³¹

1672. In this regard, the REDESCA emphasizes that, based on a study by the International Organization for Migration on the socioeconomic progression of refugees and migrants from Venezuela in Brazil, Chile, Colombia, Ecuador and Peru, high unemployment rates were observed for the Venezuelan migrant population in the five countries, and that in the case of people who work, they would do it for more hours and for less money than colleagues in the host²⁴³²countries. Likewise, the Office of the Special Rapporteur observes that, in the Venezuelan case, the generalized deprivation of human rights is at the center of the motivations for emigrating from the country, as well as in the transit and destination of the majority of people in conditions of human mobility. These challenges, together with other factors, have led to a complex, serious and multidimensional humanitarian crisis, which would be a factor of displacement, which subjects people in a condition of human mobility to a precarious situation that raises their level of risk.²⁴³³

1673. The REDESCA also observes with concern the conditions faced by Haitians in a situation of human mobility, who travel by land to reach Mexico and the United States, following dangerous routes such as the Darien Gap, and who are forced to leave their country because of the political and economic situation that Haiti is experiencing. Between 19 September and 19 October 2021, IOM reported that countries in the region, especially the United States, returned around 10,800 Haitians to Haiti, 16.5 per cent of them minors. In addition, according to Amnesty International (AI), the State of Mexico would be carrying out mass deportations to Haiti, returning Haitians to Guatemala or limiting their movements within Mexico to the state of Chiapas.²⁴³⁴²⁴³⁵

1674. In this context, according to research by Amnesty and the Haitian Bridge Alliance (HBA), countries in the Americas would not be providing international protection or security to Haitians on the move, exposing them to human rights violations in host countries, such as illegal detentions and summary returns, extortion, racial discrimination against black people, abuses including gender-based violence at the hands of armed groups and lack of access to adequate housing,

²⁴³⁰ IACHR. Resolution 1/2021, Vaccines against covid-19 within the framework of inter-American human rights obligations, 6 April 2021, para. 15

²⁴³¹ UN Report of the Special Rapporteur on the human rights of migrants. A year and a half later: the impact of COVID-19 on the human rights of migrants, July 30, 2021

²⁴³² UN Noticias, Host countries must start designing the long-term integration of Venezuelans, 29 July 2021

²⁴³³ IACHR, Press Release No. 106/2020, IACHR Presents Its Preliminary Observations and Recommendations Following Historic On-Site Visit to Venezuela to Monitor Human Rights Situation, May 8, 2020

²⁴³⁴ OIM, Situational Report. Returns of Migrants and Reception Assistance in Haiti, n. 01, 19 September to 19 October 2021, accessed 8 December 2021

²⁴³⁵ Amnesty International, No Safe Place: Haitians on the Move Need International Protection, 28 October 2021

medical care and employment, social rights essential to a dignified life.²⁴³⁶ Therefore, the REDESCA urges the States of the region that, in addition to ceasing deportations, urgently provide Haitians with access to protection systems without discrimination.

1675. Continuing with the troubling theme of deportations in the region, the Office of the Special Rapporteur on ESCER was aware of the official figures provided by the Jesuit Migrant Service (SJM) of the State of Chile, which indicate that the government of that country had deported 294 people until April 2021, most of the cases there was no judicial supervision, as well as most of the people were of Venezuelan nationality. On June 6, 2021, the government deported more than 53 Venezuelans, of whom 34 were deported over the weekend, when the appellate courts were closed. Another 125 people of various nationalities were also deported in June.²⁴³⁷ According to Human Rights Watch, there are three main problems related to deportation proceedings in Chile: lack of due process; collective deportations and lack of individual determination; and separation of families.²⁴³⁸ In this line, the REDESCA urges States to suspend deportations in the context of the pandemic, and to take actions that consider populations in a situation of vulnerability, especially people who are in a situation of human mobility, respecting and guaranteeing without discrimination the human rights of these people.

1676. Finally, the REDESCA observes that, according to the IACHR Press Release, between August 28 and September 5, in the state of Chiapas, in the State of Mexico, at least four mixed migratory movements, known as "migrant caravans," were formed, in which women and other groups in a special situation of vulnerability such as girls were displaced. children and adolescents, pregnant persons and people of African descent in need of international protection. The formation of such movements would result from prolonged delays in resolving asylum or protection procedures, as well as from the lack of access to state services, including social rights, and the exercise of other human rights in the southern states of Mexico.²⁴³⁹

1677. In light of the above, the REDESCA notes that enormous challenges remain in promoting and protecting the social, economic, cultural and environmental rights of migrants in the region, in particular migrant workers, irregular migrants and refugees. In addition, there are changes in migration profiles, since more women and children are in a situation of human mobility, and they need international support and solidarity to guarantee human rights standards to people in the most vulnerable situations.²⁴⁴⁰

²⁴³⁶ Amnesty International, [No Safe Place: Haitians on the Move Need International Protection](#), 28 October 2021

²⁴³⁷ Human Rights Watch, [Chile: Sentences protect the rights of deported Venezuelans](#), 28 July 2021

²⁴³⁸ Human Rights Watch, [Chile: Sentences protect the rights of deported Venezuelans](#), 28 July 2021

²⁴³⁹ CIDH, [The IACHR Condemns the Use of Force Against the Population on the Move in Mexico, and Calls on the State to Investigate the Facts and Prevent Their Repetition](#), 27 September 2021

²⁴⁴⁰ OIM, [Large movements of highly vulnerable migrants in the Americas from the Caribbean, Latin America and other regions](#), October 2021

CHAPTER IV: FINAL REFLECTIONS

1678. Both the IACHR and the REDESCA, in compliance with their mandate regarding the observance and defense of human rights in the Americas, have been developing a broad, permanent, and diverse monitoring work, as well as advice and assistance to the Member States of the Organization of American States (OAS), to promote and guarantee that their responses to the pandemic, the climate crisis and the fight against poverty are formulated and implemented with a comprehensive and intersectional approach to human rights.
1679. In this way, the IACHR established a work system adapted to the²⁴⁴¹situation, also creating a Coordination Room and Timely and Integrated Crisis Response for the COVID-19 Pandemic (SACROI COVID-19),²⁴⁴²with the aim of strengthening institutional capacities to monitor the crisis, with special emphasis on monitoring the affectations, the guarantee and fulfillment of the right to health and other ESCER. Additionally, the Commission presented the Inter-American System for Monitoring Recommendations (SIMORE), a mechanism that includes follow-up on the recommendations issued by the Commission in general,²⁴⁴³and those granted by the IACHR regarding the pandemic in Resolution 1/2020,in²⁴⁴⁴particular.
1680. In this scenario and in coordination with the IACHR in its various mandates and mechanisms, the REDESCA has been constantly monitoring the situation and developing actions for the promotion and protection of ESCERs in the Americas, in compliance with its agenda for 2021 and its three-year strategic plan 2021 – 2023, in which a revised strategic agenda for the mandate was defined, focusing its actions on the strategic lines indicated in Chapter II regarding the 2021 monitoring methodology.
1681. Taking into account the above, the current multi-causal crisis that the region is going through demonstrates, in an increasingly clear and profound way, the indivisibility and intimate relationship between all human rights. The need to address the fulfillment and guarantee of human rights from their interdependence and indivisibility, an idea that has been the strength of REDESCA since its foundation, is more necessary today than ever. As indicated in Resolution 1/2020 of the IACHR, the right to health as a public good is a "right of an inclusive nature, which corresponds to the enjoyment of other rights, which includes their basic and social determinants as the set of factors that condition their effective exercise and²⁴⁴⁵enjoyment." This has also been reiterated with respect to climate change by the IACHR and the REDESCA, recalling that the impacts of this phenomenon would affect inter *alia* the right to life, integrity, health, food, a healthy environment, water, among others.
1682. The REDESCA identifies, analyzed and monitored the main challenges and obstacles that are preventing the guarantee and enjoyment of the right to health and its basic and social

²⁴⁴¹YES. The IACHR communicates a work system in the face of the COVID-19 pandemic. March 19, 2020.

²⁴⁴²YES. IACHR Installs its Timely and Integrated Crisis Response and Coordination Room for the COVID-19 Pandemic. March 27, 2020.

²⁴⁴³ YES. IACHR Launches Inter-American SIMORE to Follow Up on Its Recommendations. June 10, 2020.

²⁴⁴⁴ YES. IACHR Adopts Resolution on Pandemic and Human Rights in the Americas. April 10, 2020.

²⁴⁴⁵ IACHR. Pandemic and Human Rights in the Americas. Resolution 1/2020. Washington DC, April 10, 2020.Pp. 5.

- determinants in the context of the current pandemic and the climate emergency, as well as the actions of States and civil society to face them. Similarly, the REDESCA has observed how climate change every day jeopardizes the very survival of humanity and the planet, which has been reinforced by the IPCC in its latest report published this year; noting that the time to reach the goal of reducing by 1.5 °C prior to industrial levels, it is getting more and more exhausted. Finally, both the pandemic and catastrophic climatic events, plus the conditions of inequality, the lack of opportunities and in general the lack of guarantees to access a dignified life have caused massive mobilizations of people throughout the year, especially in Central America.
1683. Along these lines, the guarantee of ESCER in all contexts where people in vulnerable situations are found has become a priority for countries in recent years. Especially if we take into account that both in the countries of destination, as in those of transit, the guarantee of access without discrimination and in equality of opportunity to ESCER, is essential so that people in situations of human mobility can have guaranteed all their human rights in these contexts. Including in the context of the pandemic, where the REDESCA monitored vaccination processes in the countries of the region, in order to determine if discriminatory measures were not applied on the basis of health
1684. In accordance with the above, the REDESCA notes with concern that the situation of ESCER in the hemisphere is going through great conjunctural and structural challenges for its full guarantee. In short, aspects such as inequality and poverty continue to be a determining factor for the full access to the enjoyment and enjoyment of ESCER for the majority of the population in the region.
1685. To this is added that people who are in a more vulnerable situation have even greater difficulties in order to fully guarantee their rights, especially ESCER. In this context, the pandemic has continued to claim several victims throughout 2021, especially those people who do not have the possibility of protecting themselves, or those who, due to their work, are at greater risk of being exposed to the virus. Although the vaccine and the mechanisms for its distribution exist, aspects such as inequality and affordability are factors that influence people's ability to access vaccines.
1686. The REDESCA considering the above, urges all States to continue expanding their efforts so that all people in the hemisphere can access the vaccine, without discrimination and on equal terms. At the same time, the Office of the Special Rapporteur has seen how skepticism against vaccines has been fueled by disinformation and false information transmitted through different media and social networks. In that sense, it is urgent that actions be taken not only at the state level, but also from the community to obtain reliable information, with scientific basis that allows to overcome this skepticism and does not result in several doses can be destroyed or spoiled by this fact.
1687. Thus, it is necessary to strengthen public health systems, so that in any case of health emergency all people can access all health services and infrastructure without any limitation. In the same way, this benefits the dissemination of information on medical treatments for different types of diseases and also allows the entire health system to continue functioning, even when health crises such as the current one are generated. Therefore, it is difficult to be able from the

mandate to refer to a "post-pandemic" time, if it does not have recovery plans that seek to reduce the existing social gaps that have been exacerbated by the pandemic.

1688. For its part, the REDESCA is also aware that another major human rights crisis that the region is going through is the environmental crisis that is exacerbated by the strong impacts produced by climate change. As has already been pointed out, the region has been identified as the most dangerous to defend the environment and consequently efforts to mitigate environmental degradation are drastically reduced. Consequently, the REDESCA received extensive information on how communities on the front lines of climate change are already feeling the main effects of climate change in different regions of the continent.
1689. Thus, the forest fires recorded on the west coast of the United States and in Canada, in the Gran Chacó and in the Amazon, are just some of the immediate examples of how abrupt changes in climate put in check the natural cycles of ecosystems. Since nature provides the main foundations for human health, its care and protection become essential duties of the State. Therefore, the REDESCA notes how the progress of the protection of the rights of nature helps to close the gaps between the protection of human health and the health of the planet.
1690. For its part, since the mandate, issues related to human mobility have been covered by the lack of access to basic services at the different stages of the journey that people undertake. At the same time, the reasons why people find themselves leaving their places of origin are also linked to the lack of opportunities, insecurity, poverty and also climate change. All this has been exacerbated by the pandemic itself, which in turn has brought with it additional challenges for States in the contexts of human mobility.
1691. As indicated above, the REDESCA noted with concern how in the United States, for example, the continued use of Title 42 as a deportation mechanism does not provide guarantees for the public health of both migrants who are expelled from the country and people who work in the migration system. Similarly, the guarantee of the right to health, to education at work and other ESCER for people in situations of human mobility is part of the obligations that States have, since the principle of non-discrimination is transversal to all human rights including ESCERs.
1692. Therefore, from the mandate we remember that all aspects of the pandemic and climate change have a direct impact on the guarantee of all human rights from their indivisibility, interdependence and intersectionality. Therefore, all public policy measures taken by States to address both issues must be holistic and with a human rights approach. This also implies that they are developed within the framework of inclusive, transparent processes that allow an active participation of citizens and promote accountability. In addition, such decisions must be supported with the best available scientific information, for which it is also necessary that States guarantee freedom of research and promote safe environments for scientific research and academic development.
1693. Taking into account that the extent of State efforts depends to a large extent on the capacity of each State to finance them and that this is part of the obligation to use to the maximum of available resources, including those from international cooperation. In this regard, the mandate notes that States have the capacity to strengthen their tax schemes and combat tax evasion so that

the level of collection increases, allowing the maximum resources to be effectively available. Therefore, these measures must be accompanied by other actions to also combat corruption and state capture.

1694. The REDESCA considers that, in a context of inequality exacerbated by the pandemic, it is definitely time for States, companies and other international economic actors, such as the International Community as a whole, to urgently prioritize their investment and maximize efforts in guaranteeing ESCER, especially of individuals and social groups in situations of greater vulnerability or historical discrimination. This must go hand in hand with giving top priority to the care of nature, taking measures to meet the challenges that climate change poses for the health of the planet and humanity.
1695. Consequently, the REDESCA calls on all OAS States, the private sector and international economic actors to place the realization of human rights and, especially ESCER, at the center of all their actions, policies and programs. In this regard, the REDESCA reiterates the call for the consideration and application of the Principles and Guidelines on Fiscal Policy adopted within the framework of the initiative of the same name, with which it has been developing joint actions.
1696. The REDESCA is fully available to contribute to the efforts of all OAS Member States and all relevant economic, social, cultural and environmental actors from a vision of indivisibility, interdependence and interrelation of all human rights and the consideration that the economy, above all, must be at the service of people and nature.